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THE ANOMALY OF OUR NATIONAL CONVENTION

IN the last national campaign no political maxim fell with greater unction and finality from the mouths of Democratic orators than the apothegm: "Our government is one of laws, not men." To the mind of the foreign student legalism is of the essence of American political institutions. The competence of executive officials, both federal and state, is not only strictly defined by the organic law but further limited by the prescriptions of statutory enactment. Legislative bodies in turn are strictly subordinate under the provisions of organic law; they cannot step outside the legal bounds defined by written constitutions. Every executive official in the land, from the occupant of the White House to the hog-reeve of a New England village, is strictly limited in the scope of his administrative duties by laws which he is powerless to alter. Every lawmaking body, in turn, from the national Congress to the pettiest city council, is restrained in its legislative competence by the limitations of laws which it may not change. As one notes the immense mass and particularity of our statutory law and the network of minute restrictions cast about legislatures by the fundamental law, one naturally concludes that American governmental doctrine is but an amplified affirmation of Job's theory that "man is born unto trouble as the sparks fly upward," and that, if he is to be saved, it is not to be through his own goodness of heart or personal discretion, but through the external compulsion of unyielding law.

In view of the legalism that pervades our political processes, one is amazed to find that the great bodies which name our

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presidents are subjected to no external legal control. The idea of a nominating convention is neither a political inheritance nor a conscious contrivance. It is an evolutionary product; it is a development of the party system, just as the party system, in turn, is the product of a decentralized administrative system. A multitude of men must be selected to express and also to execute the will of the state. Our theory of government separates the functions of expression and execution. The harmonious working of the governmental system demands the coördination of the two. The means of coördination, as is clearly shown by Professor Goodnow in his *Politics and Administration*, has been found in an extra-legal institution, the political party. The national convention, which represents the supreme expression of the will of the party, is, like the party itself, an extra-legal institution. Great changes, unrecognized by the law and unenforced by the courts, have been wrought in our institutional fabric through the unfolding processes of national life. The national convention, an unfathered institutional waif, may at no distant day be formally adopted and placed under the control of the national government. Much may be said for the formal recognition and legal control of this robust extra-legal institution, if the national convention is to represent the best thought and the highest motives of the party which calls it into being.

The conduct of the last Democratic national convention furnishes strong presumptive evidence that the evolutionary process will not stop at the present point, but that changes in the direction of increased dignity and deliberation will be demanded of the great bodies which nominate our highest governmental magistrate. That the St. Louis convention was, in any true sense, a deliberative body will be denied by any close observer of its proceedings. A thousand delegates and an equal number of alternates elected by various processes —many of the alternates actually present by no process at all— met in the hottest month of the year in the pit of an oven-like building in one of the hottest cities of the border states. Crowded in with delegates and alternates at the bottom of the pit were reporters, amateur policemen and hangers-on of every

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description. Ten thousand spectators filled the huge galleries, and a motley throng of jostling, perspiring humanity jammed the aisles and exits—the whole comprising the *dramatis personæ* in a serio-comic four-act extravaganza, known as the St. Louis convention. Strictly speaking, there were no spectators; all were actors. If not privileged to occupy the center of the stage, each person present was privileged to occupy a place in that assemblage which theatrical folk describe, without differentiation, as the "mob." It is all the same whether soldiers, village clowns or chorus girls compose this assemblage. The mob is an indispensable adjunct in the representation of a great spectacular piece. In the St. Louis Coliseum the mob overplayed its part. It was not content to occupy the background, but again and again persisted in usurping the functions of the real actors in the foreground who had come upon the stage with speaking parts.

As a delegate to the convention, the writer ventures to record some personal impressions of the conduct of that body, and briefly to add a conclusion or two as to the bearing of it all upon future methods of selecting presidential nominees.

The prologue of the drama was spoken by Mr. John Sharp Williams, temporary chairman of the convention. Even in a real play not much attention is given to the prologue. The arrival of late-comers, the arrangement of seats, the buzz of conversation go on. Playgoers begin to settle down and give attention when the curtain rises and the real action begins. After a few minutes of curious interest in Mr. Williams, the mob fell to discussing its own affairs. The speaker's voice, overtaxed in the effort to make itself heard above the confusion, broke down almost entirely, and after the first ten minutes was scarcely audible even to the front-benchers. The address as printed is sensible, well-phrased, and keen in argument, but as delivered the speech was a failure. It was trying, even for delegates, to sit for an hour and forty minutes watching the moving lips and occasional gestures of a distant speaker, and to fail utterly to follow the thread of his argument. The mention of Mr. Cleveland's name infused a tonic property into the dreary proceeding. The cheering of near-by delegates was taken up

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by others, reached the galleries and continued without cessation for thirteen minutes. During this demonstration the sergeant-at-arms made a genuine effort to restore order. He left the platform and engaged in a personal encounter with a stalwart disturber standing in the center aisle. The offender, if reported correctly by the press, was no less a personage than Colonel Padden, one of the Hon. Timothy D. Sullivan's retainers in the eighth congressional district of New York city. Tammany men to the number of about a thousand had come in special trains to attend the convention. To Tammany the national committee had apportioned only two tickets for each assembly district for each session of the convention. Colonel Padden had gained the freedom of the convention floor and also the privilege of facilitating the entrance of political friends to the convention hall by the simple device of wearing a badge which proclaimed him an assistant sergeant-at-arms—a device by which other faithful henchmen had likewise obtained admission and authority. In the midst of this uproar Chairman Williams, unable to quell the disorder, calmly took his seat and began to smoke. The one rule rigorously enforced at the convention was the edict against smoking. There was a reason for this. Exit from the convention floor and galleries could be effected only by descending a flight of stairs, crossing an ambulatory and ascending another flight of stairs to the street level. The Coliseum, built on the plan of a cockpit, received its light and air through windows which were inaccessible to the crowd in the pit or gallery. Ten thousand souls sat beneath festoons of bunting in wooden seats upon a wooden floor, littered over with waste papers. In five minutes an alarm of fire might have transformed ten thousand unreflecting people into a host of frenzied savages, fighting for their lives. But Mr. Williams, charged with the duty of preserving order, knew no law superior to his own capricious desire to smoke at that particular time. He wanted to smoke, and he smoked. The incident was significant. It was a sign and a symbol of the lawless, irresponsible character of the greatest of our extra-legal institutions.

At the conclusion of Mr. Williams's address the committee

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on credentials submitted its report. Two points of interest are to be noted in this connection: first, the ruling of the chair that it is not within the power of the committee on credentials to admit delegates from the Philippines, inasmuch as these islands are declared by the supreme court not to be a part of the United States; and second, the adoption by the convention of the committee's majority report seating the Hopkins delegates from the state of Illinois. At this stage Colonel William J. Bryan appeared for the Harrison contesting delegates and moved the adoption of a minority report. His address aroused the galleries to a frenzy of enthusiasm. *Per se* the appeal was a powerful one, and it is safe to assert that the majority of the delegates were convinced that the cause Colonel Bryan championed was relatively if not absolutely righteous. And yet, on the balloting, delegation after delegation voted to validate the credentials of men who were obviously not entitled to them. There were two reasons for this. First, the feverish dread of a "Bryan stampede," and second, the desire to rebuke the obvious attempt of the mob to run the convention. Ten thousand people had cheered Colonel Bryan wildly and irresponsibly during the hour he held the platform, and this same crowd had refused to listen three minutes without derisive shouts and interruptions to Mr. Menzies, of Indiana, and Mr. Quinn, of Illinois, who vainly endeavored in the hubbub to present the other side of the case. It was later, in the committee on resolutions, that Colonel Bryan won his most signal victory. On the convention floor, where he was deliriously supported by a vulgar claque that refused his opponents a decent hearing, and on an issue for which he was thrice-armed because of the justice of his contention, Colonel Bryan was beaten by a vote of 647 to 299.

With the adoption of the report of the committee on permanent organization, Hon. Champ Clark, as permanent chairman, read a long and rambling speech, which had a sedative effect upon his fellow Missourians in the galleries, who could but imperfectly hear it, and a benumbing effect upon those near-by delegates who had not left their seats before its conclusion. This was the end of the second day's labor of the convention.

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While waiting for the report of the committee on resolutions, the convention occupied the morning session of the third day in roll-calls for the formal selection of the new national committee and the naming of honorary vice-presidents. During a lull in this time-killing employment some one called for a speech from Captain Richmond Pearson Hobson. Captain Hobson possesses an impressive mien and a resonant bass voice. "We want no Cromwell in this land of liberty!" he loudly declared. Here was relief from the tedium of business and from the strain of listening to speeches which could not be heard. The crowd in the galleries sank restfully back into their seats and gratefully gave ear. "I can see," cried the man of arms in notes of bugle clearness,

> the plains of Illinois as the infantry assembles. I can see the hill-tops of the Hudson and the Mohawk, where the artillery is located. I look to the ranks of Democracy when our battle-flags are unfurled. I see a Wellington take up the standard of Democracy; yes, from New York to Illinois, and from Illinois to California, the battle lines are extended. Here are our armies; let us make the Republicans give name to the battle-field—let's make them call it Waterloo!

Now the cold-eyed cynic might possibly regard this performance as a perfect and exact illustration of the forcible-feeble style of oratory, but the piece pleased the audience mightily. With the exception of Colonel Bryan no man who addressed the convention was hearkened to with more deferential attention than was Captain Hobson.

The all-night session which resulted in the nomination of Judge Parker opened with the reading of the platform by Senator John W. Daniel. The Coliseum was thronged, but there was nothing spectacular about the platform, and the mob was there for a spectacle. Every man seemed free to wander as he willed. Informal social caucuses met here and there. A hum and a buzz as of five hundred afternoon tea-parties filled the great hall. On, on, read the speaker, never faltering, never raising his voice, never heard. He might have been describing the mural decorations of the imperial palace at Pekin or the habits of the Mississippi river catfish, for all his auditors knew or

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cared. At the close no one expressed approval or disapproval of the party creed thus formally enunciated. Of the character of the platform the delegates and mob alike could form no opinion from the evidence laid before the convention.

With the adoption of the platform an all-night carnival of oratory began. Eight names were formally placed before the convention, with a total of thirty-five nominating and seconding speeches. The majority of these speeches were stupid and tiresome. The cheap grandiloquence of the panegyrical orator ordinarily rose to its height with the enunciation of the favorite son's name at the end of the speech. There were some notable deviations from the prevailing type of convention declamation. Hon. Martin W. Littleton proved himself a master of the difficult art of convention oratory. In his address naming Judge Parker, Mr. Littleton's voice rose to clearness and strength; his words certainly stirred the imagination if they did not convince the understanding; and his speech really infused an element of genuine enthusiasm into the Parker demonstration which ensued. The ponderous oratory of Mr. D. M. Delmas, who placed the name of Hon. William R. Hearst before the convention, proceeded with the stately gravity and inexorable sequence of the cosmic process itself. But the piece dragged after five minutes, and few gave heed except those who felt it their business to do so. Of the Hearst seconding speeches, that of Mr. Clarence Darrow, of Chicago, was refreshing in its obvious sincerity. With the impetuous vigor of a Mirabeau he urged the convention to pause before placing men in charge who, in past time, had scuttled the Democratic ship. Another spirited philippic, vitriolic in its temper, was delivered by Mr. David S. Rose in presenting the name of Hon. Edward C. Wall, of Wisconsin. Quite out of the ordinary, too, was Hon. Champ Clark's good-natured nominating speech for Senator Cockrell. "This is a great historical occasion," he began, "and I am about to make a great historical speech." "They say that Roosevelt is a brave man," he declared in conclusion, "but old man Cockrell is as brave as he." In fine contrast to this speech, which would have done justice to a "barker" before the doors of the "Hereafter" on the

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Pike, was the dignified and impressive speech of General Collins, presenting the name of Hon. Richard Olney, of Massachusetts. In a voice adequate to the trying occasion he appealed in a brief, sententious and sincere argument to the intelligence of the convention. His words were followed by the delegates with the closest attention. Two more hours dragged wearily by, as orator after orator rose in the call of states. It was past four o'clock in the morning when Wisconsin was reached on the roll-call and Colonel Bryan strode to the platform. It was for this that fifteen thousand men and women had remained steadfastly in the uncomfortable seats and the vitiated atmosphere of a veritable fire-trap all the long night. The most ingenious stage director could not have planned a more theatrical setting. Earlier in the night Nebraska had given way to Wisconsin, which presented the name of Wall. Wisconsin now yielded to Nebraska, and thus gave Colonel Bryan the last word. A passionate cry burst from the lips of the multitude as the great champion of social democracy advanced to the platform. The appearance of the man heightened the dramatic effect of the scene. The marks of battle and of sleeplessness were upon him. His face was ashen, the lips compressed to a thin line, the eyes sunken in their sockets; the voice was husky and the figure drooped with fatigue. He began to speak. A passion of soul seemed to communicate its fire to the spent body. The dull eyes of the speaker glowed with an almost fanatical earnestness. The gestures fell in quick, nervous rhythm; the voice, gaining in strength, rang out clear. The man seemed essentially a preacher, the embodiment of force and earnestness, with all the fire of a Whitefield and the passion of a Chrysostom.

> Eight years ago [he said] a Democratic convention placed in my hands the standard of the party, and gave me the commission as its candidate. Four years later that commission was renewed. I come to-night to this Democratic convention to return the commission, and to say that you may dispute whether I fought a good fight, you may dispute whether I finished my course, but you cannot deny that I have kept the faith.

With tense, drawn faces and streaming eyes men hung upon

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the words of the orator, as with studied pathos he reviewed the causes of his defeat and asserted that, though men of the party had deserted him in time of need, he himself would remain true to the principles of his party. As he closed with a summing up of the whole case against Parker's nomination, the sunlight of another midsummer's day was streaming through the windows of the convention hall, dimming the feeble electric lights and throwing the great yellow-decked roof into shadow. An outburst of frenzied cheering, elemental and uncontrollable like the roaring of the sea, rose from the ranks of the mob, while from the floor of the great hall, littered over with papers, the dust rose under the trampling of many feet as the smoke of battle rises from a crowded hard-fought field. No stage could provide such a setting. No playgoing audience could afford such psychic possibilities. Nerves, racked and worn by nine hours of speechmaking, responded to a supreme stimulus, not in the conventional language of applause but in the incoherent language of hysteria. It was a study in mob psychology; a scene which witnessed once is unforgettable. At last the tumult and the shouting dies; the call of states begins; Judge Parker is nominated on the first ballot. Colonel Bryan's impassioned appeal had not changed the vote of a single delegate.

An interesting point of order was raised during the roll-call of states and decided by the presiding officer. When the state of Ohio was reached, the chairman of the delegation announced a vote of 46 for Parker. A demand was immediately made for a poll of the delegation. The delegation was polled and the result announced: Parker 28, McClellan 9, Hearst 6, Cockrell 2, Olney 1. The point of order was now raised by a member of the delegation that the Ohio state convention had no right to instruct the delegates to vote as a unit, inasmuch as the district delegates had received their credentials from conventions held prior to the time of holding the state convention. The point of order was overruled by the chair in these words:

By express rule of the Democratic convention, the delegates come from a state and not from districts. Under the call for delegates to the convention each state is allowed as many delegates as it has senators and representatives multiplied by two, and these delegates are the del-

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egates of the state and not the delegates of the districts, no matter how chosen.

It was therefore ordered that the entire vote of Ohio be recorded for Parker, although his actual strength was but 28 out of 46 votes. This ruling illustrates anew the distinctive difference between the practice of a Democratic and that of a Republican national convention. There is an intimate relationship at present between this so-called unit rule and the two-thirds rule of the Democratic convention, though there is no connection in origin between the two rules. So long as the unit rule is upheld, the two-thirds rule will also prevail. Suppose, as was suggested last spring in conservative circles when the Hearst boom began to assume portentous proportions, that the two-thirds rule had been abrogated by the convention, on the general theory that it is an undemocratic principle to give a faction of one-third the legal right to defeat the choice of the majority. Such a change might actually confer upon a minority not only the negative power of defeating a nomination but the positive power of making a nomination. A number of large states with pretty evenly divided delegations might so combine as to control, under the unit rule, a majority of the votes in the convention. A candidate might thus be nominated who was really the choice of only a small minority of the delegates, were the two-thirds rule abrogated and the unit rule retained. Again, great Republican states, such as Pennsylvania, Massachusetts, Ohio, Illinois and Iowa, might successfully combine and effect a nomination under a bare majority rule and yet not contribute a single electoral vote to the success of the candidate so nominated. Thus the perpetuation of the two-thirds rule rests upon the continuance of the unit rule, and the perpetuation of the unit rule is due in large measure to the traditional attitude of the Democratic party on the question of state sovereignty. In Democratic theory, each state controls its delegation. The Democratic convention recognizes an authority higher than itself. The Republican convention does not. The Republican national convention has never allowed the states to use the unit rule.

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A clear statement of the Republican doctrine was made by a delegate from Kansas in the convention of 1876, when the question was raised as to the acceptance of a unit vote from the state of Pennsylvania.

> The principle involved in this controversy is whether the state of Pennsylvania shall make laws for this convention or whether this convention is supreme and shall make its own laws. We are supreme. We are original. We stand here representing the great Republican party of the United States, and neither Pennsylvania nor New York nor any state can come in here and bind us down by their caucus resolutions.[1]

One further fact, however, is to be noted with respect to the unit rule of the Democratic convention. In case no instructions are given by a state to its delegation, the convention assumes authority and allows each individual in the delegation to vote according to his preference. For example, in the St. Louis convention, Nebraska's vote was announced and recorded as follows: Hearst 4, Cockrell 4, Pattison 4, Miles 1, Wall 1, Gray 1, Olney 1. The unit rule of the Democratic convention is not an affirmative rule at all. It is simply an acknowledgment that the states may bind their delegations if they so choose. Despite the immense amount of newspaper clamor for the abrogation of the two-thirds rule, and the protests and objurgations of the minority Hearst members on such split but instructed delegations as those of Ohio, Indiana and Massachusetts, the fight for the modification of the rules was never at any time strong enough to reach the convention floor. As a corollary to the unit rule, the St. Louis convention, through the ruling of its chairman, upheld the traditional Democratic doctrine that the chairman of an instructed delegation is entitled to cast the entire vote of the delegation whether the delegation is fully represented on the floor or not.

One of the minor episodes of the convention has to do with the scene occasioned by the restiveness of an Iowa delegate under the unit rule. The 26 votes of that state were duly delivered to Mr. Hearst under the unit rule. Thereupon Mr.

[1] Carl Becker, "The Unit Rule in National Nominating Conventions," *American Historical Review*, vol. v, no. 1, p. 81.

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Wright of Iowa leaped upon a chair and cried out in shrill staccato accents: "On behalf of the unbought and unpurchasable Democrats of Iowa—" The speaker got no farther. He was seized by members of his own delegation and forced to his seat. Amid the confusion which ensued, the delegate found a refuge in the quarters of the Nebraska delegation, but was unable to speak on account of the uproar. Finally he reached the platform and "in behalf of Iowa Democrats who did not receive their political education in *Coin's Financial School*" seconded the nomination of Judge Parker.

Little need be said of the proceedings of the convention subsequent to Judge Parker's nomination. The text of the telegram as sent by Judge Parker to Hon. Wm. F. Sheehan is as follows:

> I regard the gold standard as firmly and irrevocably established and shall act accordingly if the action of the convention to-day shall be ratified by the people. As the platform is silent on the subject, my view should be made known to the convention, and if it is proved to be unsatisfactory to the majority I request you to decline the nomination for me at once, so that another may be nominated before adjournment.

Great excitement prevailed when reports of the Parker telegram leaked out early Saturday afternoon. Newspaper extras proclaimed that Parker had declined the nomination, and garbled versions of his actual message were hawked about everywhere. The air was charged with uncertainty, bewilderment and expectancy when the delegates assembled for the final session. The Bryanites affected to regard the message as a cunning trick of the Hill-Belmont-Sheehan combination. Senator Tillman violently denounced the message as an attempt to dictate and as an insult to the entire convention. The majority of the New York and New Jersey delegates seemed genuinely pleased with the message, but no one was jubilant. The situation was a most delicate one and fraught with immense hazard. The opinion of many thoughtful delegates at the time could have been aptly expressed in a later remark of Colonel Bryan's: "It is a manly thing for a man to express an opinion before the convention adjourns; but it would have been man-

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lier to have expressed it before the convention met." The southern delegates appeared most deeply stirred by the telegram; their anxiety and doubt were strung to an intensity almost savage. Southern leaders were therefore put forward to pacify them. After some hours' work Tillman was quieted and induced, in conjunction with Williams and Vardaman of Mississippi, Daniel of Virginia and Carmack of Tennessee, to play the roll of pacificator. The anger of the hotspurs began to simmer down. A notable speech at this critical juncture was made by a northern man, Hon. Charles S. Hamlin of Massachusetts. Mr. Hamlin as a member of the platform committee had labored indefatigably for a gold plank. That effort had been defeated by a vote of 35 to 15. Mr. Hamlin explained why the minority had not carried the fight to the convention floor, and closed with an eloquent plea for dispatching a message prepared by John Sharp Williams to Judge Parker. The "Williams message," which virtually endorsed the position taken by the nominee in his telegram to the convention, read as follows:

> The platform adopted by this convention is silent upon the question of the monetary standard, because it is not regarded by us a possible issue in this campaign, and only campaign issues are mentioned in the platform. Therefore there is nothing in the views expressed by you in the telegram just received which would preclude a man entertaining them from accepting a nomination on said platform.

It was at this juncture that Colonel Bryan rose from a sick-bed, entered the convention and began a tedious and futile protest against sending the Williams telegram. Two rambling speeches were made, the last closing with the impossible suggestion that a sort of catechismal message be sent to the nominee, seeking explicit answers to several specific questions. The convention was not in the mood of the night before. Here were a lot of earnest men striving for harmony, willing to sink individual preferences, sick of factional rancor and impatient to conclude the work of the convention. Dramatically, Colonel Bryan's epilogue was a distinct anticlimax. Tactically, it was a sad piece of business. The speaker recognized that his appeal fell

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upon cold if not resentful ears. He accordingly withdrew his amendment and thus escaped a crushing vote of disapproval. The motion to send the Williams telegram was carried by the overwhelming vote of 794 to 191.

At one o'clock Sunday morning Hon. Henry G. Davis was nominated for vice-president. The excitement over the Parker telegram had been absorbing. A benumbing fatigue dulled all further interest in the proceedings and imposed an effective closure rule upon discussion. "Word was passed around" that Davis was the man to be voted for. The writer heard little talk of superannuation, and in general little discussion of availability or fitness. When the roll was called, chairmen of delegations wearily rose and mechanically uttered the name of Henry G. Davis. At no point did the convention so absolutely divest itself of the character of a deliberative body as in the act of naming an octogenarian for second place on the ticket.

"Freshmen" members of the national Congress are wont to lament the absence of a spirit of *cameraderie* in the House of Representatives. If this is true of the 386 members of the House elected for two years, one can readily fancy how little *esprit de corps* is to be found in an assemblage of one thousand men who exercise their group functions for less than a week and then disperse forever. Rivalry between parties is never more bitter than factional strife within parties. Nothing could have been more bitter than Mr. Rose's castigation of the Parkerites. The New York men themselves were divided. To scrutinize the faces of Murphy, Sheehan and McCarren was to read in each a different story of policies and aspirations. Outside of the southern belt there was scarcely a state that was not represented by a divided delegation. The unit rule half concealed and half revealed irreconcilable principles and preferences. Even the Massachusetts delegation, pledged to support the candidacy of a "favorite son," was, beneath the surface, divided; five of its members were bitterly opposed to Mr. Olney. The convention was indeed a jarring, disintegrate mass. For such an unorganized mass, competent leadership was a prime necessity. The biggest and most influential personality in the convention was Colonel Bryan's, but the

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majority of the delegates had come to St. Louis with the firm determination not to be led by Colonel Bryan. The delegates therefore turned from a personality to an abstraction in quest of leadership. They turned from Bryan to "conservatism." In the name of conservatism the Hill-Sheehan-Guffey-Gorman combination "passed around the word" for the nomination of Henry G. Davis. The delegates heard and obeyed.

The party convention is a pure evolution, and we may look to see progressive changes in the conduct of this extra-legal body. One may forecast the direction although it may be impossible to fathom the extent of these changes. The infinite folly of planting a political convention in the midst of a howling mob of ten thousand people was convincingly illustrated in the last Democratic convention. This convention could not, except by courtesy, be called a deliberative body. Men such as Senator Daniel or John Sharp Williams, who really had something to say to the convention, were not shown decent consideration, while such men as Captain Hobson, who had a buncombe message for the galleries, were given a patient hearing. It was really the galleries that demanded the circus parades of state standards, lithographs and flags when a leading candidate was placed in nomination. One of these bogus demonstrations continued for thirty-four minutes. It was the galleries that dragged Bryan from his sick-bed to prolong the agony of the last night's session. It was the galleries that hurled insulting and indecent epithets at speakers in the Illinois contest, because they were espousing a cause which the mob did not like. With hundreds of newspaper men present and wires carrying the convention proceedings to every news centre in the Union, the interests of publicity no longer demand the presence of ten thousand irresponsible people in the convention hall. In the last two Democratic state conventions of Massachusetts all spectators other than newspaper men were rigidly excluded from the hall. The step was an unpopular one, but the bear-garden features which too often have disgraced other conventions were effectively eliminated; and enlightened party opinion heartily supports the innovation.

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Again, the results of the St. Louis convention cannot but strengthen the growing conviction that the time is approaching for a change in the present system of representation in the convention. The anti-Parker combination had a fighting chance of success up to the moment when Colonel Guffey delivered the 68 votes of Pennsylvania to the Parkerites. A state which had never given a single electoral vote to a Democratic nominee turned the scale decisively and clinched the nomination of a man who received only 140 votes in the electoral college. It is true that the solid Democratic states of the South were behind Judge Parker's candidacy. Men such as Governor Vardaman of Mississippi were in line for the New York candidate in the hope that he might carry this and other pivotal states and so defeat Mr. Roosevelt. But reverse the situation. Suppose the Southern leaders had come into the convention solidly behind the candidacy of such a man as Senator Bailey of Texas. The southern combination could easily have been beaten by a northern combination of Illinois, Michigan, Minnesota, Ohio, Wisconsin, Pennsylvania, Massachusetts and Maine. That is, eight northern states which ordinarily do not cast a single Democratic electoral vote could overwhelm thirteen southern states which furnished every one of the 140 electoral votes actually received by Judge Parker. In a Republican convention the same inequality appears, though less glaringly: the southern tier, which never furnishes a Republican electoral vote, has full voting strength in determining the nominee. In the Republican convention of 1884, an effort was made to enlarge the influence of the old line Republican states and to diminish correspondingly the weight of states where the party was in a minority. The effort failed largely through the clamor and piteous appeals of the negro Republicans of the South. These men claimed, with some color of equity, that they get very little chance under state election laws, and that therefore the opportunity to take part in Republican councils on a basis of their actual numerical strength comes but once in four years. If they are shut out of the field when the harvest is indeed golden, as in the case of Mr. Hanna's campaign for the nomination of Mr. McKinley in

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1896, they may justly complain that they are wounded in the house of their friends. This line of argument does not hold in the case of the Democratic convention. Democratic voters do not suffer under discriminating election laws in northern states, and the results of the last national convention suggest that a change in the basis of representation may be one of the possibilities of the future.

Finally, we may hazard the opinion that the time is approaching when national party conventions will be subjected to some species of statutory control. Parties under our governmental system are purely voluntary organizations and stand theoretically outside of the control of courts and lawmaking bodies. But the party has become a most important political organ, and the trend of our development is all towards the subjection of party to legal as well as to political responsibility. It may be urged that party organization implies obedience to constituted authority, and that this authority, from its very nature, must reside within and not outside of the party itself. The courts have ordinarily taken this view, and have not regarded the action of a party convention as a proper subject for judicial review. At the same time, where party machinery is used oppressively and for improper purposes, the legal organs of governmental authority have again and again successfully asserted the right of control. The commonwealth of Massachusetts, for instance, imposes a most thoroughgoing governmental control upon party action. Each party is required to elect annually a state committee, and the members of this committee are required to meet and organize at a particular time and in a particular manner. Minute directions are prescribed for the holding of party caucuses and the choice of election officials. The laws governing party machinery, as codified in 1898, fill 150 pages, containing an average of 300 words to a page. And this body of law has since been amplified by a mass of supplementary legislation. One may reasonably assert that the American party is not legally responsible, but this no longer implies that a little junta of politicians may meet at such time and place as it chooses and select nominees for public office. It cannot be denied that the state is within its proper

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functions when it undertakes to regulate the machinery by which its governmental officers are selected. The federal government has all along conceded that the regulation of the suffrage rests primarily with the states, and has therefore not sought to exercise any direct control over the ballot, being content simply to prescribe uniform methods for the selection of federal officers in state-conducted elections. A similar species of jurisdiction might well be extended to the nomination as well as to the final selection of the chief of federal officers. In the interests of safety, decency, and due deliberation, Congress may at some future time impose regulations as to the time, place and manner of conducting national nominating conventions. A national convention hall, erected by the government at Washington, or perhaps in a more central locality, is one of the possibilities of the future. Such a hall, properly policed and provided with protection against fire and the incursion of the mob, would mark a distinct advance in the conduct of conventions. So long as all arrangements are left to a camarilla of politicians, who have friends to be rewarded and enemies to be punished; so long as the mob is present to demand the stimulating aliment of some passion-fed illusion or illusion-fed passion—so long will the proceedings of a national nominating convention fail to attain the dignity and deliberation implied in the very character of its high functions.

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THE RIGID CONSTITUTION.

JOHN PYM, speaking of forms of government, maintained that

> . . . time must needs bring about some alterations . . . Therefore have those commonwealths been ever the most durable and perpetual which have often reformed and recomposed themselves according to their first institution and ordinance; for by this means they repair the breaches and counter-work the ordinary and natural effects of time.

Dr. Oberholtzer, in his *Referendum in America*, declares:

> It is almost impossible, except when public opinion is wrought up in some extraordinary manner, to change the constitution of the federal union. Most of us will agree that it is a very fortunate safeguard, a proud feature of our political system which we should hold fast to.

Which of these views is right? The constitution of the United States is, it seems, the oldest written constitution in existence. After one hundred and seventeen years, it ought to be possible to test the two conflicting theories by the experience of America. There is no question here as to the fact of rigidity. Owing to the stringency of the conditions which limit the power of amendment, the federal constitution has become practically unalterable. Except as the result of the volcanic upheaval of the great Civil war and by the use of such devices after the war as were, to say the least, unprecedented, there has been no change since 1804.

At first sight, it seems curious that the men of one generation should be treated as competent to bind, by inflexible governmental arrangements, the generations which succeed. In the analogous instance of wills, we are every day finding how futile are the efforts of testators to provide even for the contingencies applicable to their own families for one or two generations. The grip of the dead hand on property which it once owned sadly hampers existing lives. The world is for the living; and yet the dead man's will governs—a will which he

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himself would probably vary if he could see the altered circumstances.

The struggle between new forces and old restraints or doctrines is found also when expanding scientific knowledge meets the barrier of fixed creeds, fixed dogmas, fixed formulæ: when a Napoleon contemptuously kicks over the elaborate but antiquated military systems of Europe; and when the Boers show military men the true methods of modern warfare. But as it is human to err, it is human also to be ever trying to impose our wisdom on the future.

It is remarkable that in none of the forty-five states of the Union is any such rigidity favored as in the federal constitution. According to Dr. Oberholtzer, the average life of a state constitution is twenty years; and the tendency is everywhere to make alteration easier. A new convention meets, and a new constitution is framed; and in nearly all the states a simple majority of the votes cast is sufficient for adoption. The states seem to follow Cardinal Newman's theory: "In a higher world it is otherwise; but here below to live is to change, and to be perfect is to have changed often." Probably, the practice of inserting in state constitutions provisions which should properly appear in state statutes has something to do with the frequency of the changes. But it is a matter of wonder to us outsiders that the same great people should allow so liberally for growth in their state garments and submit so placidly to the straitjacket for national purposes.

During the discussions which preceded, in Australia, the adoption of the existing federal constitution, the objection which influenced most votes against the federal scheme—at least in the more populous colonies—was the difficulty of amendment. It was urged that minorities had too much power to obstruct such amendments as experience might dictate. These objectors did not object to union: they wanted a closer union, a more effectual obliteration of the artificial state boundaries. Yet in the ineffective convention of 1891, the amending power, though second only in importance to the creative power, received very scant consideration; and such as it did receive was rather in the direction of making amendment more

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difficult. In the convention of 1897–98 also the subject was but indifferently treated. But, after the first referendum (which was unsuccessful so far as New South Wales was concerned), the opponents of the bill as it originally stood secured an important concession in the direction of facilitating amendments; and in all the colonies the second referendum was much more favorable to the bill than the first. As finally adopted, and as passed into law by the British Parliament, the Australian constitution still bears traces of the United States system of curbing and restriction and minority rule; it still requires the concurrence of artificial majorities for amendment; but it is less hopeless to look for amendment in Australia than in the United States. The question, however, remains: were the framers of the constitution of the United States right in restricting so narrowly the power to amend? Naturally, the advocates of the bill in Australia said they were right in such restriction. As one popular orator put it: "A healthy man need not always be taking drugs." But, to follow up the metaphor, is it well to treat the healthy man as if he were an irresponsible child, and to put the drugs away, out of his reach?

It is not easy to give a satisfactory answer on such a subject by appeal to experience. Opinions must differ as to most of the amendments of the federal constitution which have been proposed; and it is not wholly safe for a stranger to assume that this or that alteration would have been advisable. Is there any ultimate test of expediency in politics? Can we reduce any problem of a complicated society, in an age of greed, to a common denominator of common sense? Apparently not; and yet, with a deep diffidence of myself but with the aid of the masterly treatises written of late years on American public law and history, I shall venture to refer now to some proposals actually made in Congress which, in the opinion of Americans well qualified to judge, would have commended themselves to the vast majority of thinking persons, but to which the forms and restrictions of the constitution presented an insuperable obstacle.

Dr. Bryce, in his *American Commonwealth*, says that in 1884–86 no less than forty-seven proposals for amendment were in-

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troduced into Congress. Not one was carried. Not one, I think, passed even the ordeal of Congress, so as to be presented to the state legislatures. Leaving aside certain proposals which may be the subject of much difference of opinion, and others which (owing to the very hopelessness of amendment) must have been of the irresponsible popularity-hunting or "kite-flying" order—leaving aside amendments forbidding polygamy, forbidding the sale of alcoholic liquor, conferring the suffrage on women, making elections triennial instead of biennial, enabling Congress to limit the hours of labor—the list included certain amendments which judicious and far-sighted men of all parties would favor. One was that the president should have power to veto any item of an appropriation bill, and not be faced with the alternative of permitting some obviously improper appropriation of money for some private and selfish purpose or else of putting his veto on the whole bill and thereby throwing the national finances into chaos. As the constitution stands, the president, the elect of the people, the responsible leader of the people, is powerless. He must accept either the whole bill or nothing. That the power proposed is wanted seems to be indicated by the fact that in the newer state constitutions generally the power to veto details is given to the state governors.

Another proposal was to enable Congress to make uniform marriage and divorce laws. We have taken this power in the Australian constitution, and we mean to use it. It is surely not presumptuous to hold that uniform legislation on a subject which lies at the very root of all civilized society would be better than the present conflict between the marriage law and practice of the strict states and that of the lax states, and the scandalous abuses to which this conflict gives rise. There is no need now for state boundaries as regards marriage laws.

Another proposal was to have senators elected by the people, not chosen by the state legislatures. It is not well that state elections should turn on federal issues; and yet the state legislatures determine how presidential electors shall be chosen, and they elect the federal senators. The problems which the state legislators have to face are disturbed by powerful cross-currents

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of federal politics. As Mr. H. J. Ford says, continuous efforts are made to control state politics in the interests of the great national parties. Such a system does not seem to conduce to good government. That the people as a whole would probably approve of the change, is shown by the fact that the House of Representatives has endorsed it by the requisite two-thirds majority. But the Senate will not have it. Senators will not abandon the ladder by which they have attained to power, and without which they may not be able to return to it.

But what can be said against the proposal to have the president elected by the direct vote of the people and not by the special body of pledged electors? The revered founders of the constitution plumed themselves highly on the device which they invented for lifting the election of president high above party issues, for making him the elect of the elect. What could seem more excellent, *a priori*, than to choose men from each state, before each presidential term, for the sole purpose of electing the president and the vice-president? These chosen men were nicely and critically to weigh each claimant's qualifications, and the result of the ballot in each state was to be sent to the president of the Senate. This system of appointment, according to Alexander Hamilton,[1] was almost the only part of the system which escaped without severe censure or which received approbation from opponents of the constitution. It would be "much less apt to convulse the community with any extraordinary or violent movements, than the choice of one who was himself to be the final object of the public wishes." Yet so great is the actual convulsion of the community at each presidential election that proposals are now strenuously pushed to extend the term and to render the president incapable of re-election. Arguments for this change are found in the strain for six months of an exciting campaign, in the consequent depression in business and restriction of trade in view of uncertainty as to the policy to be pursued, and in the fact that the hope of re-election affects a president's actions during his third and fourth years. Of course every impartial elector, chosen to

[1] *Federalist*, lxviii.

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vote for president as an impartial juryman is sworn to give his verdict, is pledged to the hilt as to his vote. As Mr. Woodrow Wilson wittily says, he is "a bell-punch to the hand of his party convention." No irony is keener than that of facts when contrasted with the wisest prophecy. Here in Australia, one of the leaders of the convention in 1891 oracularly asserted that it was "absolutely impossible" to leave the question of the adoption of the constitution to a referendum of the people; and yet, within eight or nine years, this was the very procedure by which the constitution was adopted! These failures of foresight point to the wisdom of leaving the political course open in every direction for future action, and for refusing to assume, like Job's comforters, that wisdom will die with us.

There appears also to be a general consensus of opinion that the provision in the constitution which in effect excludes all executive ministers from membership in either house of Congress was an error; and if the constitution were to be reframed, it would probably be eliminated, in spite of Montesquieu's theories. This prohibition seems to be at the root of many of the evils of congressional government. It renders necessary the elaborate system of committees of each House, which deliberate in private and take the testimony of the departmental secretaries. It has forced the people of the United States into their peculiar party system. Much abused as is this system, tyrannous as are its methods, it is, as Mr. Ford has pointed out, a moderating influence of great importance. It is a device whereby the executive and the legislature are subjected to some general control and are brought into some cohesion, some unity of action, through the operation of party policy and of party pressure. Without claiming for the British system of responsible government any excessive merit, there certainly is a great advantage in having ministers in Parliament, and in having one body of men who lead and guide the business of the legislature, preparing legislation as well as administering the great departments. Von Holst says that Congress would not submit to even such a trifling change as would allow secretaries of departments to debate questions in Congress and to explain the needs of their departments, be-

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cause such a change would involve a reduction of the power of Congress. But there is little reason to doubt what the public interest demands.

I am not attempting to exhaust the long catalogue of amendments which have been strongly supported and commended, but which the public men of the United States have despaired of obtaining. It would be easy to point to many other provisions which seem to be blots, to many gaps which one would think ought to be filled. For instance, whatever may be our private views as to the expediency or inexpediency of particular modes of taxation, most of us will agree that the national Congress, in imposing direct taxes, ought not to be rigidly confined, as it has been held to be, to a levy in proportion to the population of the several states. Again: how many men of first-rate talent and public spirit must have been kept out of public life by the mandate of the constitution that every representative and senator must, when elected, be an inhabitant of the state in which he shall be chosen? A man of the first rank of talent, of Republican principles, has little chance of serving his country in Congress if he live in a Democratic state. Had there been such a provision in England, the country would not have had the service of Burke, nor, probably, of Gladstone or of Morley. Such a rule is conceived in the narrowest spirit of localism; and it encourages parochialism as against nationalism. Again—though this is a minor matter—that provision forbidding either House to adjourn for more than three days during a session without the consent of the other must sometimes be very inconvenient. Does it serve any useful object? Has it ever been found useful? Again, the quorum necessary for each House to do business is too large. A majority of the members is too much to require. Such a clause makes it necessary to enforce the attendance of members by penalty; and it compels members to waste much valuable time in listening to speeches which lead to nothing practical. Again, an act giving the law courts power to decide disputed elections would be invalid; for by the constitution each House of Congress is made judge of the returns. Nor is there any provision in the constitution for the case of the elec-

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toral votes of a state in a presidential election being contested. In the Hayes-Tilden controversy of 1876–77, this defect caused a very serious crisis; and although eventually Mr. Hayes was declared to be duly elected, the constitution suffered a violent strain in the methods used to obtain a peaceful settlement. There is also no provision for the case of a member of Congress wishing to resign his seat; and inasmuch as there is no express power conferred on either House to commit for contempt one who is not a member, the power has been strenuously disputed, and the limits of the power cannot be said to be even yet completely defined.[1] As for the reform of the civil service, I understand that the problem is made exceedingly difficult by the fact that no limitation can be put on the president's power to nominate. And is it too presumptuous in me to say that there would be manifold advantages to the public if the federal supreme court could be made the final court of appeal in cases arising under state laws as well as in those arising under federal laws and the federal constitution?

Because it is practically impossible to amend the constitution, men who have to work under it have been forced to very critical and ingenious discussions as to its meaning; and the desire to make the venerable parchment meet new conditions has led to some extraordinary results. I think it is not too much to say that the constitution has not merely been unfolded by the courts; it has been amended by the courts. And although the people of the United States were exceptionally fortunate in the judges who ruled the supreme court, especially in the early and plastic period of the constitution, it must be admitted that judges are not persons to whom the amendment of a constitution should be entrusted. Their function is to interpret and apply the law, not to make it or to change it. It is not, indeed, impossible for the same mind that pursues the strict road of logical reason to look ahead and around and foresee with a statesman's eye the character of the country which he is nearing, the tendency of his decisions. But the better a man is as a lawyer, the less he will allow himself to be influenced

[1] Von Holst (1887), p. 103.

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by party or personal predilections to depart from the law as expressed or implied. One of the most interesting courses of study for any jurist is to be found in the long series of decisions on the United States constitution. The chief "safety valve" in an otherwise dangerously rigid constitution has been found in what is called the "elastic clause": "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this constitution in the government of the United States or in any department or officer thereof." The courts seem sometimes to read this clause as practically enabling Congress to do by law whatever the constitution ought to have, but has not, enabled it to do. It seems that of late the judges go very far in their conception of implied powers, on the ground of the "inherent sovereignty" of the United States; and it is difficult to see how far the doctrine may carry them. Where is the limit? The power to legislate for territories is deduced from the power to acquire territory; and the power to acquire territory is deduced from the power to declare war and to make treaties. It reminds one of the movement of a traveler whose route is marked for him by cairns of stones. In pushing forward, he never loses sight of the last cairn that he has touched; but the cairn from which he started is out of sight. The adherents of the broad-construction school argue—and with great reason—that to limit the powers to those expressly set forth in the constitution would render that constitution unsuitable for the purposes of a rapidly-growing nation with rapidly-changing conditions; that to deny this or that necessary power would provoke revolution. Very good; but the question remains: is it well to leave the improvement of the constitution to the judges? Would it not be far better to leave the task of improvement to the action of public opinion, inspired by public needs, and speaking through its appropriate organs of Congress and the polling-booth?

It is worth while to recall some of the expansions of the constitution by judicial decision and by accepted practice. From the short clause enabling Congress "to regulate commerce with foreign nations and among the several states and with the Indian tribes," the court has deduced an implied

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power to legislate for the control of all navigable waters (even a state river such as the Penobscot), for the construction of wharves and other works, for the prohibition of immigration, for laying an embargo on shipping, for the establishment of an interstate commission with power to interfere with railway companies and with transportation rates. From the power "to lay and collect taxes" *etc.*, in order to "pay the debts and provide for the common defence and general welfare of the United States," the judges have deduced a power to frame a protective tariff; and, with the aid of the power "to borrow money on the credit of the United States," they have deduced a power to establish and maintain a national bank of issue, and to treat its notes as necessarily and absolutely exempted from state taxation. The framers of the constitution were great sticklers for private liberties. The first ten amendments—adopted *en bloc* immediately after the constitution in order to satisfy the scruples of the time with regard to private and individual liberty—all tended to secure the individual citizen and the individual state against federal encroachments. Yet these constitutional guarantees were brushed aside by Lincoln in the supreme crisis of the great Civil war. He took on himself, practically, the powers of a Roman dictator, uncontrolled and uncontrollable. Merely because the constitution made him "commander-in-chief of the army and navy of the United States, and of the militia of the several states when called into the actual service of the United States" he could levy an army by calling for volunteers without the preliminary consent of Congress; he could instruct the military officers to refuse to obey a writ of *habeas corpus;* and of his own will he could emancipate the slaves. Such an emancipation was obviously a violation of the provision that no person is to be "deprived of life, liberty or property without due process of law." The "greenback" controversy was very remarkable. The supreme court decided at first that Congress had no power to make paper money a legal tender for debts. But the court was nearly equally divided; and, when a vacancy occurred on the bench, members of the Senate (it was asserted) notified the president that they would not approve a new appointment

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unless the new man were in favor of the legality of greenbacks. The decision was soon reversed, and the legal tender acts were treated as valid, on the ground of the war power of the president.[1] Subsequently, in 1884, when there was no war to justify the issue of paper money, it was justified on the mere ground of the power to borrow money! According to Von Holst, public opinion still treats this decision as wrong; but all proposals to amend the constitution so as to put the power beyond doubt have failed. The history of "greenbacks" surely indicates how undesirable is the strain put by a rigid and unalterable constitution upon courts which have to interpret that constitution; how unfair it is to the courts themselves to force them to decide between the logical requirements of a lifeless parchment and the imperative needs of a living people. It is worthy of notice that an express power to issue paper money was deliberately struck out of the draft constitution. Another of Marshall's great deductions, *viz.* the exemption of federal incomes from state taxation—a deduction based, I think, ultimately on his ideas of what is expedient where a federal government and a state government administer concurrently the same territory—has been put aside, as to Canada, by the judicial committee of the privy council; and the supreme court of Victoria has decided that it is inapplicable in Australia.[2] Probably Marshall was a better statesmen than the lords of the privy council. But are judges appointed for their statesmanship?

Suppose that the framers of the constitution were to come again to earth, would they be able to recognize the edifice which they reared, to discern even its outlines under the accumulated parasitic growths of a century? Dr. Bryce has well described the extra-constitutional agencies and devices as "flexible parasites on a rigid stem." When I was in New Zealand some years ago, they showed me a stout timber tree called the *rimu;* and round it was curling a gay, flowering creeper, which was

[1] It should be said, however, that Senator Hoar, in his autobiography, strenuously (and, in the opinion of very many, successfully) contests the allegation that the bench was packed in the legal tender case.

[2] An appeal on this subject to the High Court of Australia has been allowed, and the Victorian decision has been overturned.

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called the *rata*. This fair and clinging *rata*, they told me, would wax stronger and thicker, and eventually kill the *rimu* for all its pride and seeming might. So it may be with this rigid constitution and the parasitic growths. What would the Fathers say if they could see that the president, in war-time, becomes a dictator with almost unlimited powers; that the vice-presidency has become an office of no significance, unless the president die within his term; that party organization has deprived the presidential electors of the right to exercise an independent judgment and has become more powerful than Congress; that federal judges are chosen from the same party as the president who chooses them; that the president appoints the heads of departments, who form his cabinet, while individual senators practically appoint subordinate officers; and that the president freely exercises the power to veto bills, long after the king of England's power of veto has passed away? What would they say upon discovering that the boasted power of impeachment has proved to be practically useless; that it has become, as Jefferson said, "a mere scarecrow" or, as Ford calls it, "a rusted blunderbuss"; and yet that President Jefferson had refused to obey the supreme court in the case of Aaron Burr, that President Jackson had refused to obey the court in the Georgia case; that President Lincoln had instructed the military officers to disregard writs of *habeas corpus;* and that when an appeal was pending as to the validity of the reconstruction laws after the war, Congress had taken away the right of the supreme court to decide the appeal? What would they think when they found that vast works of internal improvement were initiated and carried out by Congress at the instance of greedy local interests; that the vast territory of Louisiana had been purchased without any sanction from the constitution; that the state of Texas had been admitted to the Union by joint resolution of the two Houses after the treaty of annexation had failed to secure the concurrence of the requisite two-thirds of the Senate? They would find, moreover, that without the consent of Virginia,[1] Congress had empowered part of the

[1] Consent was given by a body which Congress recognized as the legislature of Virginia.—EDS.

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state to organize itself into a separate "West Virginia." They would find that the president grants pardons even before sentence has been passed; that he fills vacancies in offices without the consent of the Senate, and even when the Senate is sitting; that he sends regular troops into a state in time of peace to quell a riot, although neither the state legislature nor the state executive has asked for assistance; and that he can practically compel Congress to declare war, as in 1846. Should they visit the House of Representatives, they would find unconstitutional persons called "delegates" presenting to the members the views of some territory; they would find the speaker a strong party leader, using his great powers of controlling business and debate for the purpose of aiding or obstructing or moulding legislation; they would find that there is no real criticism of measures, but that the most important part of the work is done by "standing committees," and that the departmental heads can hardly move a step without the concurrence of the committees. Should they repair to the Senate (which, as Washington conceived it, was to be a president's privy council), they would find that this body has marvellously increased its powers at the expense of the House; that the intention to give the national House the power of the purse, as a second House of Congress, has been frustrated; that the Senate more and more "loads the appropriations" and presses hard upon the executive; that the president has to consult the senators before selecting officers; that the Senate amends treaties, and compels the president to consult its committee of foreign affairs before framing a treaty on most delicate international questions, where secrecy in the negotiation is essential.

Yet, it may be said, the constitution has been greatly strained, has even been violated; but does not this fact, that prohibitions are disregarded when they become irksome, show that when a written constitution is worked by a progressive people there is not much harm in rigidity?

By no means. A tree may grow notwithstanding the iron band bound around it as a sapling; but it grows deformed, stunted, wanting rondure and completeness. It is better that the sap should run up within the trunk than that suckers

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and parasites should thrive without. Constrained, as they were, by the iron band of the constitution, too much of the energy of the political leaders has been spent on barren questions of interpretation of a written document, in ascertaining what a dry piece of parchment means rather than what the people need. In examining the history of United States politics every one must be struck with the legal and metaphysical subtleties of the debates. During the Civil war, it seems, there was an elaborate discussion whether it was an "insurrection" or a "public war." After the war, the question was: are the seceded states within the Union or outside it? This question placed the federal statesmen in an interesting logical dilemma: if the states were outside, the right of secession and the fact of secession were established; if they were within, the seceded states were entitled to their constitutional rights. Charles Sumner is said to have held the theory that they had committed suicide as states. Stevens held that they were to be treated as conquered provinces and that the lands should be confiscated. The "forfeited rights" theory prevailed, and it was decided that the rights should be restored on certain conditions. In the conduct of American politics, those who seek to carry a measure have not merely to justify it as a matter of expediency, but also as being within the ambit of the constitution. It was thus with the controversies over the erection of a national bank, the imposition of a protective tariff, the spending of money on internal improvements, and the treatment of slavery in the territories. Lincoln and Douglas argued as lawyers as to the construction of a document. The slave-holders said that neither Congress nor the people of a territory could prohibit slavery therein. Douglas said the people of the territory could, but Congress could not. Lincoln urged that Congress could. War had to be invoked to solve the dispute. As Dr. Bryce says: "So the struggle over the interpretation of a document which it was found impossible to amend passed from the law courts to the battlefield." Another curious problem, almost as quaint as many of those discussed by the schoolmen in the time of Roger Bacon, was this: can there be a citizenship of the United States as distinct from the citizenship of a state? The

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answer was given by the war, without which there could not have been the fourteenth amendment. The proper working of state politics has been seriously hampered by the clause forbidding a state to pass any "law impairing the obligation of contracts." According to Mr. Coxe, nearly one-half of the cases in which state laws have been held invalid as violating the constitution are attributable to this unfortunate provision; for the courts have treated ordinary legislative grants and charters of incorporation as contracts. What a field for long-winded legal discussion is thus opened! How the minds of legislators are drawn from the pursuit of their true game, the public good, as hounds by a false scent! Now, Gladstone and Disraeli, Morley and Chamberlain had no such burden of legal debate. They were able to confine their attention to the only proper issue: is this measure suited to the wants of live people? They had the immense advantage of dealing with things rather than with words; they had not to work on the subtle distinctions of windy lawyers at every step. For in England, Parliament is, in theory, omnipotent. There is no fundamental law which Parliament cannot alter or repeal. In the Act of Union with Ireland, it was provided that the maintenance of the establishment of the Protestant Episcopal church should be "deemed an essential and fundamental part of the Union." If such words had been found in the American constitution, the church could not have been disestablished, even though the tension in some of the states should have been at breaking point; but Gladstone, with the aid of his majority, was able to disestablish the church and yet to preserve the Union. Take also the fusion of the system of law and the system of equity by the Judicature Act of 1873, in England—a great advance in the direction of integrating and simplifying law. This reform is impossible in the United States federal courts; for the constitution, in defining the judicial power, says that it shall extend to all cases "in law and equity"; and the distinction has to be preserved. So it is with the jury system. Experience has shown that the jury system can now safely be modified and restricted, with saving of expense and avoidance of delay to the public and with advantage to the cause of justice. The English law has therefore relieved

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the courts of the necessity of ordering a jury in very many cases. In the United States, however, no such reform is possible; for the right of trial by jury is preserved by the constitution in all common law actions when the matter in controversy exceeds in value twenty dollars, and the jury must be the time-honored jury of twelve, and must be unanimous for a verdict. So, when home rule is granted to Ireland, it will be granted by a mere act of the British Parliament; whereas, if the Act of Union were part of a constitution such as the American, it could not be granted without the violence of war. Judge Jameson, in likening the provisions for amendment to safety-valves, happily added that the force needed to induce action should not be that which is necessary to explode the machine.

The arguments in favor of rigidity in the constitution are stated fairly by Dr. Bryce. It is said to produce a sense of solidity and security, to prevent "tinkering" and rash change, and to protect a metaphysical abstraction called "state rights." The objection to "tinkering" has had full weight given to it, at all times. Dante speaks with withering scorn of the mutability of Florence, which in October would spin a thread to last only to mid-November.[1] Yet one does not find as many proposals for amendment of fundamental laws in Great Britain, where there is no constitutional restriction, as in the United States; and it is a curious and interesting fact that the populous eastern and northern states have not changed their constitutions so frequently as the southern and western states. In these latter states, of course, an adaptation to a new environment has been in progress; but, as a rule, the more truly democratic the masses (I do not mean Democratic in the party sense), the less mutable, despite the theories of De Tocqueville, is the constitution. After all, the best kind of security is to be found in the general average of sanity of the people. It is for the people constitutions are made; and it is surely for the people to say what changes should be made. According to the Declaration of Independence, governments derive their just powers from the consent of the governed. This great principle

[1] "Legge, moneta, offizio e costume
hai tu mutato, e rinnovato membre." Purgatory, vi, 146.

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was at the root of the revolutionary movement. But is it not one of the best pieces of irony in history, that the constitution, framed by a people who staked everything in a seemingly hopeless struggle against "taxation without representation," actually excludes the people of the District of Columbia from representation in the federal Congress and from participation in the election of president? Surely to prevent rash "tinkering" it is not necessary, in the case of such a nation as the United States, to forbid the repair of holes or fractures; much less is it necessary, with a society expanding so enormously, to put its fundamental law within a wall of concrete and thus restrain it from its natural growth.

There are three points which occur to me as material in considering the position of the amending power in the United States:

(1) The constitution of 1787 was revolutionary. It did not grow organically out of any existing law. It was passed by a convention which had not authority to frame it; and it actually violated the articles of confederation of 1781. These articles were articles of "perpetual union," to be "inviolably observed by every state," . . . "nor shall any alteration at any time hereafter be made in any of them unless such alteration be in a Congress of the United States and be afterwards confirmed by the legislation of every state." These conditions were not observed.

(2) Every amendment involves at least two propositions: first, the present arrangement ought to be changed; and second, this is the change to be made. It is the second proposition which occasions the greatest dispute. As to this, the greater force, the majority, should have its way. If any restraint is necessary to prevent "tinkering," it should be applied in dealing with the first proposition.

(3) It is matter proper for contract between sovereign states to decide what powers should be given to the common national organization; but within the scope of the national powers the majority, not the minority, should determine the course to be pursued.

The framework of the constitution of the United States is of

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living interest, not only to the people of the United States, but to all the world; for it has been imitated, in faults as well as excellencies, in many countries. Little Switzerland shows many marks of the great exemplar; the South and Central American republics even more. The frequent disturbances in those latter communities are to a great extent caused by attempts on the one side to ignore, and on the other to maintain, the fixed prescriptions of the written constitution. In Australia, we have appropriated much from the United States. We have even accepted the equal representation of the states in the Senate, together with the provision that the equal representation is not to be altered to the prejudice of a less populous state without the consent of that state! We have not profited, in this respect, by the bitter experience of the United States; and for such a provision we have no such excuse as had the framers of the constitution of 1787, who had to choose between union on any terms and anarchy. Time alone will tell whether this arrangement, which gives to particularist interests power to obstruct the general interest and allows a small minority to veto the action of the great majority, will have as baneful results as in America. There it seems really to have been the main cause of the slave power retaining its hold so long and finally convulsing the nation in civil war; and there it still serves to obscure the true opinion of the nation, in its treaties and its relations with foreign powers as well as in the ordinary course of legislation.

As for the people of the United States themselves, they have to face some very big problems for which their inexpansive constitution seems to be ill adapted. They have great corporations and trusts and "combines" to handle. As Professor Adams has said: "The industrial, the political and the social influences that have been introduced into national life by the unprecedented growth of corporate powers are the occasion of grave apprehension." But this task cannot be discharged satisfactorily as long as each state can regulate its corporations and companies in its own fashion. The concentration of capital in modern industry makes it, one would think, essential to treat corporations on national lines. The nation has to regulate

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over-sea colonies or dependencies in the Philippines and Porto Rico; and, great as are the difficulties arising from the circumstances and character of the inhabitants, the difficulties due to the limitations of the constitution appear to be even greater. The United States has widespread labor troubles; but on such matters Congress cannot legislate. When there is one common tariff for imports, there is one economic area; and if the national legislature deals with the tariff it should be free to deal with labor problems. But the labor commission of 1898, after an elaborate inquiry, could merely make suggestions to the state legislatures. In theory the states can enact labor laws, but in fact they cannot deal with these matters effectually. Not only are the states powerless beyond their own borders, but the constitution fetters their action at every turn. During the year 1903 I understand that an eight-hour law, for contractors working for the state of New York or for any municipality in that state, was held void on the ground that it discriminated between citizens, imposing upon some contractors a disability which it did not impose upon others. On this principle, I suppose that if the farmers of New York can prevent the application of an eight-hour law to the farming industry, such a law cannot be applied to any industry. It is enough for me to say that whether the legislation in question be advisable or inadvisable, such a barrier to modern tendencies is a real danger. "When there is no hope at all—when the institutions themselves seem to place an unyielding barrier to the progress of improvement—the advancing tide heaps itself up behind them till it bears them down."[1] In the Australian constitution, we have managed to confer on the federal Parliament power to legislate for "conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one state"; and a bill providing for the exercise of this far-reaching power has already become law, although in what is regarded as a provisional form.

In these matters the hands of America are tied; whether wisely or unwisely it is for Americans to judge. To my mind

[1] J. S. Mill, Miscellanies.

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it is impossible to conceive of the constitution of 1787 continuing as it is. It may be that the extra-constitutional devices, to which a people so intensely alive and practical has been forced in working the machinery prescribed by an old and venerated document, will in the course of time pull down the constitution and replace it; or it may be that by some almost superhuman effort of patriotism and self-effacement all parties may unite to amend the amending power. I cannot foretell. It seems to be unquestioned that there is no power to amend except that contained in the constitution. The optimistic words of Mr. Justice Story:

> The general right of a society . . . to change the government at the will of the majority of the whole people, in any manner that may suit its pleasure, is undisputed and seems to be indisputable [1]

have no acceptance in law, whatever they may have in political theory. But the problem will have to be faced some day. A high-spirited people cannot bear many repetitions of the humiliation of 1891, when, in connection with the riots in New Orleans, the national government had to confess its inability under the constitution to carry out its treaty obligations with Italy. The anomaly of living under one law as to marriage and corporations and bills of exchange and crimes in New York, and under another law across the ferry in Jersey City, is too glaring. That so great a nation has so long submitted to be fettered in its movements by a garment made for it in its infancy is amazing, and is of itself evidence that the people could well be trusted with full liberty in the shaping of their own destiny.

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[1] Story, Commentaries (3d ed.), vol. i, sec. 395.

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THE POLITICAL PHILOSOPHY OF JOHN LOCKE.

THE restoration of the Stuarts to the throne of England in 1660 signified the failure of the Puritan Parliamentary party as a party of construction; but it did not signify the disappearance of the ideas, either theoretical or practical, upon which the movements of the preceding two decades had been based. After the first surge of violent reaction had exhausted its force, the ancient friction between crown and Parliament, between law and prerogative, assumed once more the first place in the general political situation, and with it was renewed the strife between the established church and the nonconforming sects. Charles II, by becoming the shameless dependant of Louis XIV, succeeded in evading the direct issue with Parliament over taxation upon which his father lost the throne; but James II, less ignoble if also less shrewd than his brother, precipitated the revolution upon the religious and ecclesiastical issue.

The cardinal fact in the adjustment which settled the restored king firmly upon his throne was the strict alliance of the established church with the crown. Both institutions had suffered the last degree of indignity at the hands of the Puritans, and a union for security against the recurrence of such an experience was instinctive. Hence, at every manifestation of a tendency in Parliament toward limitation of the royal authority, the king could count on the blind and unwavering support of the bishops in the House of Lords and of the lower clergy in the constituencies of the Commons, with the doctrine of divine right and passive obedience as the foundation of all relations between monarch and subject. The reign of Charles II was indeed the culminating point of this doctrine in England. Not in the rationalistic form in which Hobbes had displayed it, but in the full obscurantist spirit that had characterized the days of Laud, and that also characterized contemporary thought at the court of Louis XIV, the duty of unresisting submission to the Lord's Anointed was kept before the English people in copious

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floods of sacerdotal literature. Every effort of that party in Parliament which was coming to be known as the Whigs, to liberalize the existing institutions of either state or church, was met by the obstinate resistance of the ecclesiastics. The University of Oxford, the historic home of extreme royalism, formulated in convocation in 1683 a condemnation of "certain pernicious books and damnable doctrines destructive to the sacred persons of princes, their state and government, and of all human society," and from this document may be readily gathered the substance of the Tory creed of the day.[1] Among the doctrines thus condemned were that of the origin of civil government in popular contract of any sort; every aspect of the right of resistance to a king, whether he violated the laws of God, the laws of the land, or any other prescription; and Hobbes' whole doctrine of the state of nature and the origin of government in the self-interest of the individual. It was in connection with the sharp conflict of parties in the latter days of Charles II that Sir Robert Filmer's *Patriarcha* was published in 1680, and the popularity which it obtained is convincing evidence that the doctrines which it embodied were those dominant among the English people of the day. Until the death of Charles II, the alliance of church and crown stood firm, despite the strain often put upon it by the Catholicizing tendency of the king. Only because James II deliberately disrupted this alliance and alienated the church from his cause, did the revolution of 1688 become possible.

The chief bond which united the church to the king was, as has been shown above, a common fear and hatred of the Puritan dissenters of all shades, who had been responsible for the destruction of the old royal and ecclesiastical order. Of almost equal importance in the view of the church, but far less important in the mind of the king, was the ancient danger from the Catholics. The stringent legislation which was enacted against nonconformists was aimed by the ecclesiastics against Protestants and Catholics alike, but its administration was tempered by the king to the Catholics particularly. Gradually, as time passed on, the Protestant dissenters, proving

[1] For the text see Cooke, History of Party, vol. i, p. 346.

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themselves entirely peaceable and embracing notoriously a very large element of useful and prosperous citizens, ceased to excite so strong feelings of fear and hatred in the church party; and, on the other hand, the obvious inclination of the king to tenderness toward the Catholics made the latter the chief object of dread. The solution which was proposed by the liberal spirits of the opposition party for the complex relations of the various sects was a general toleration of religious belief. This, it was claimed, was the only possible method by which peace and order could be permanently insured without loss of valuable strength to the nation. The church party was disposed to some measure of toleration of Protestant dissenters but feared any concession to Catholicism; and the king, lukewarm toward any relief for the Protestants, was willing to go far in indulgence to the Catholics. Through this play of cross purposes toleration utterly failed in Parliament, but the king through his executive discretion was able to ease greatly the burdens of those whom he especially favored.

James II, ascending the throne an avowed Catholic, assumed an aggressive attitude of tolerance for all Protestant sects, endeavoring to win the Protestant dissenters to his support in a policy which was clearly seen to be designed particularly for the benefit of the Catholics. The unnatural alliance which he aimed at was very quickly shown to be impossible. Much as churchmen and dissenters disliked each other, the feeling was affection itself in comparison with the hatred which both felt for the Catholics. James, forging recklessly ahead in his blundering way, pushed to its limit the claim that for the benefit of his realm his prerogative could supersede established law. This old issue, substantially the same as that on which Charles I had lost his throne and his life, roused to full intensity the spirit of opposition among the maintainers of the parliamentary tradition, now to be found chiefly in the Whig faction, and to a considerable extent among the dissenters. But the opposition might still have been ineffective had not the church party, in terror of a Catholic régime, dropped their doctrine of passive obedience and joined in resistance, in some cases passive and in some cases active. This change produced

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that unity in the nation which caused the flight of the king and the accession to power of William and Mary.

Both in the process through which the crown was actually transferred from the old to the new wearers, and in the legislation through which the process was validated, the triumph of the parliamentary over the royalist principle was made perfectly evident. An irregularly constituted but clearly representative convention of leading politicians transacted the business through which the Prince of Orange and his wife were seated upon the throne, and this same convention, assuming the name and functions of Parliament, enacted the laws which in most explicit terms set limits to the royal power. By the Bill of Rights the power to suspend or dispense with the execution of the laws and the power to levy money without a vote of Parliament were declared illegal, and a number of rights which had been claimed for citizens against the crown by the Whig opposition were formally guaranteed. The statute, moreover, declared William and Mary to be the holders of the royal power, and thus made their title formally a parliamentary title; and, if not in words, at least by unquestionable implication their tenure of the throne was made conditional on the maintenance of those rights and liberties which the act defined. On the other hand, the principle of toleration not only was not recognized but was flatly repudiated by a series of most ingeniously oppressive acts against Catholics. For Protestant dissenters, however, some slight tendency to concession was manifested, and thus freedom of conscience, for Protestants at least, secured a precarious foothold in the law of the land.

Relation of Locke to Contemporary Theory and Practice

With the Restoration of 1660, the crude and fantastic social and political doctrines which had been preached during the Commonwealth by the Levelers disappeared from the literature and in great measure from the thought of the time. Under the new conditions only the defenders of monarchic divine right were privileged to indulge in absurd and irrational dogmatizing. The religious sects whose creeds had been both the strength and the weakness of the Commonwealth settled down

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under the persecution of the triumphant Anglican establishment into peaceful communities of worshippers, with no more desire than opportunity to assert any principle of political theory. Independents, Baptists and Quakers, as well as the more aristocratically disposed Presbyterians, manifested little or no interest in any phase of politics, save the possibility of some measure of toleration for their cherished creeds. After certain well-intended efforts of liberal-minded Anglicans to bring the less extreme dissenters again within the church had proved futile, the idea gained headway among the nonconformists that a general freedom of conscience would be the only solution of the existing difficulties. William Penn deliberately adopted the principle in its most advanced form in his government of Pennsylvania; and the proprietors of South Carolina, some years before Penn's action, included a modified form of the principle in the frame of government constructed for their province.[1] That Locke himself framed the Carolina constitution is sufficient indication of his entire sympathy with the movement toward toleration. Though steadfast in the communion of the established church, his philosophy placed him always with those who held religious belief to be no rightful subject for governmental supervision.

While freedom of conscience, which had been a prominent feature of political theory in the days of the Commonwealth, thus continued to play a rôle among conservative thinking men, the most distinctive dogma of the Commonwealth period, that republican was preferable to monarchic government, found practically no expression after the Restoration save among the more wild and lawless spirits who were concerned in the intrigues that centered about the Rye-House plot.[2] The opposition to the last two Stuart kings and their policy was led by men of rank and property, belonging to the higher social strata and destitute of all sympathy with the aims and methods of the Levelers or even of the moderate Republicans. They held in general to the idea of popular sovereignty as distinct

[1] Fundamental Constitutions, sections 97–110.

[2] For a good sketch of the thought of this period, see Gooch, English Democratic Ideas in the Seventeenth Century, chap. x.

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from monarchy by divine right, but in respect to the form of government their purpose was to restrict the monarch rather than do away with him. A limited monarchy rather than a commonwealth was their ideal; they were not Republicans but, in the sense that history has attached to the name, they were Whigs. It is this class which the philosophy of Locke preëminently represents. He cast their ideas in the mold of well-rounded theory, while they themselves for the most part guided their policy from day to day by the requirements of fluctuating expediency.

Of all the opponents of the royal power in the later days of Charles II, when party feeling ran highest, one of the most scholarly and philosophical in temperament was Algernon Sydney, who was executed for treason in 1683. His *Discourses Concerning Government*, published after the Revolution of 1688, embodied an elaborate attack on the doctrines of the court party. His text was Filmer's *Patriarcha*, which he subjected to a refutation, step by step. The form which his work takes in consequence of this method leaves his constructive theory very vague and uncertain. He has generally been described as a "Republican," but there is hardly more reason to apply that term to him than to Locke. What appears entirely clear is his doctrine that government is an institution created by men for their own security and interest, and that it rests upon no prescription of either God or nature save in the sense that such prescriptions are involved in the conclusions of human reason. Authority rests on consent, and the holder of authority over man has no basis for the exercise of his power save the agreement of the subjects for their own ends to respect it. Sovereignty, therefore, is indefeasibly in the people, Sydney holds, and the administration of government, whether in the hands of a monarch or of any group of men, is subject to an overruling popular control. That the monarchic form of government is on the whole not well adapted to secure the ends for which authority is instituted, is clearly enough Sydney's opinion; but on the other hand his dislike for democratic government is no less clear. His preference is obviously for aristocracy, and this is in line with the whole spirit of his thought, which is saturated with the influ-

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ence of classical antiquity. His *Discourses* display an enormous amount of historical erudition, with special predilection for the Roman Commonwealth, and at many points both the substance and method of his thought closely parallel Machiavelli's *Discorsi*.[1] He is, however, distinctly less broad in his philosophy than Machiavelli; and in this respect he is far behind Locke also, with whose doctrines he is in substantial accord.

Locke, born in 1632, was the son of a Puritan soldier, received his education when the schools and universities were under Puritan influence, and became closely associated in early manhood with that brilliant and liberal-minded, if unscrupulous and erratic, Earl of Shaftesbury who was the founder of the Whig party. All these circumstances combined with his temperament to make Locke alien to the controlling ecclesiastical and political forces during the last Stuart reigns. At the same time he had no sympathy with the extremist doctrines and tendencies among the Whigs. Late in the reign of Charles II, however, he fell under suspicion and was obliged to seek safety in Holland, where he remained until the expulsion of James II. Returning then to England, he published for the first time the works on which his philosophical fame rests. His *Two Treatises of Government* embodied in purely scientific form the justification of the Revolution. The *Letter Concerning Toleration* set forth a theory of the particular relations between church and state which Locke conceived to be sound, though it was one which the existing conditions did not permit to be adopted by the triumphant revolutionary party. Of his *Two Treatises of Government*, the first follows precisely the method of Sydney in refuting step by step the arguments of Filmer's *Patriarcha*, the second goes far in advance of Sydney by presenting a coherent, systematic, constructive theory of state and government. Although there is in Locke's theory little that had not long been current coin in political philosophy, the form and spirit in which it is presented and the far-reaching influence

[1] *Cf.* Sydney's Discourses, chap. ii, sections 22, 23. He argues that the city, like the child must not remain in its original weakness. "If it do not grow it must pine and perish; for in this world nothing is permanent: that which does not grow good will grow worse."

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which it exerted must justify a somewhat careful analysis of his work.

The State of Nature and Natural Rights

In explaining the origin of political authority, Locke adopts the same individualistic point of view that Hobbes had taken, and starts with a conception of the state of nature; but it is not the original Hobbesian doctrine so much as Pufendorf's modification of it that is presented by the Whig philosopher. The state of nature as conceived by Locke is a pre-political rather than a pre-social condition. It is not a state in which men live in brutish reciprocal hostility, but one in which peace and reason prevail. It is not a lawless state. Rejecting the incisive distinction made by Hobbes between the law of nature and real law, Locke follows the Grotian doctrine and declares the law of nature to be a determining body of rules for the conduct of men in their natural condition. Under this law, of which reason is the interpreter, equality is the fundamental fact in men's relations to one another. On this foundation Locke constructs his doctrine as to the natural rights which belong to every man in the pre-political state.

These natural rights are summed up under the formula which had become common during the Puritan Revolution, *i. e.*, life, liberty and property.[1] The preservation of life is the most primary motive of human action, and whatever is reasonably directed to this end is every man's privilege by the law of nature. Locke does not differ from Hobbes on this point. As to liberty, on the other hand, Locke departs from his predecessor and defines it as exemption, not from every rule save the individual's arbitrary caprice, but from every rule save the law of nature. This law is conceived, thus, not as a limitation upon human freedom, but as an essential concomitant of it; and slavery, in the full sense of the word, is merely the condi-

[1] By broader generalization Locke seeks to group all three of these terms under the single concept of "property." See Treatises of Government, ii, sec. 87: "Man . . . hath by nature a power . . . to preserve his property; that is, his life, liberty and estate . . ." *Cf.* sec. 123. On the other hand the phrase is sometimes expanded to include "health;" *e. g.*, "life, liberty, health, and indolency of body and the possession of outward things." Letter concerning Toleration; also Treatises, ii, sec. 6.

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tion of one who, by violating the law of nature, has withdrawn himself from its protection; that is, one who has been made captive in a just war.[1] Property right under the law of nature includes control over all extraneous objects through which the maintenance of life may be promoted. Locke sets forth in a long chapter[2] his famous theory as to the rational basis of private ownership. The essence of his doctrine is that, while primarily all things are common to all men, as soon as any individual has incorporated his labor in any particular object he has made it his particular property.[3]

The state of nature, then, is conceived by Locke as characterized by the consciousness of and respect for those natural rights which are the substantial elements of the law of nature. It is by no means to be identified with the state of war, as had been done by Hobbes. This latter state means simply the condition that exists when men have from any motive abandoned the prescriptions of reason and resorted to violence. The state of war may exist as well in civil society as in the natural state of man, and it does appear whenever attempts are made upon one's life, liberty or property by force. But the state of nature and the civil state are differentiated by a single clear test. In the former there is not and in the latter there is a common organ for the interpretation and execution of the law of nature. Though this law be implanted in the hearts and minds of all men, yet differences of intelligence and conflicts of interest will cause disputes even among those most bent on submission to nature's rule. Every individual is vested originally with the full right to execute the mandates of this law.

[1] Locke does not recognize any validity in the contract theory of slavery. One who is in the absolute power of another man cannot, in the philosopher's opinion, make a contract. Treatises, ii, secs. 22–24 and 172. [2] *Ibid.*, ii, chap. v.

[3] "Although the earth and all inferior creatures be common to all men, yet every man has a 'property' in his own 'person.' This nobody has any right to but himself. The labor of his body and the 'work' of his hands, we may say, are properly his. Whatever, then, he removes out of the state that nature hath provided and left it in, he hath mixed his labor with, and hath joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature placed it in, it hath by this labor something annexed to it that excludes the common right of other men." *Ibid.*, ii, sec. 27.

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Each may justly slay the unjust slayer or visit justice upon the kidnapper or the thief. But variety in manner and method of the enforcement of justice inevitably causes confusion and uncertainty in life, and there is need of a known and certain rule in accordance with which the rights of individuals are to be protected and maintained. It is to secure such a rule that civil society is instituted.

Locke's state of nature, then, like Milton's, means nothing more than the relation which exists among men who have no common political superior. Independent sovereigns illustrate this state; a Swiss and a Frenchman meeting each other in the woods of America illustrate it; and it is illustrated again by an absolute monarch and his so-called subjects, since, as Locke points out, there exists no common authority for determining the application of the law of nature as between them. Although this conception differs fundamentally from that of Hobbes, and though Locke at first rejects entirely the notion of the war of each against all, yet in the end he concedes that, owing to the weakness and viciousness of the majority of men, the natural state is intolerable.[1] Thus he comes to the process through which the evils are escaped by the substitution of civil for natural society.

The Social Contract

Locke's form of the contract through which civil society is created coincides with the first of the two stages which Pufendorf finds in the institution of the state. Each individual contracts with every other to unite into and constitute a community. The end for which this agreement is made is the protection and preservation of property in the broad sense of the word—that is, life, liberty and estate—against dangers both from within and without the community. The contract involves an agreement by each individual to give up his natural right of executing the law of nature and punishing offenses against that law. Each resigns, not all his natural rights, as Hobbes held, but merely this single right. This right, moreover, is given up, not to any particular person or group of persons, but to the com-

[1] Treatises, ii, chap. ix.

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munity as a whole. The society thus becomes, by the act of the individuals who form it, vested with the functions of determining what are offenses against the law of nature and punishing violations of that law; and these functions constitute, in Locke's view, the whole scope of political authority. There is in this conception nothing of that absolute, unlimited and uncontrollable sovereignty which was the soul of Hobbes' system. All the natural rights of the individual remain as secure against the power of the community as they were in the state of nature against the power of other individuals.

Two corollaries are deduced by Locke from the idea that civil society originates as above. The first of these is the right of majority rule as the principle of the community's action. That the will of the majority must bind the minority he regards as demonstrable both on the ground of sheer necessity, since without such rule corporate action would be impossible,[1] and on the ground of contract, since the agreement to submit to the will of the majority is an element in the social pact. His second inference is that the commonwealth is authorized by the individual to employ his force in executing its judgment as to the rights involved in the law of nature. That is to say, the individual has bound himself to contribute his force to carry out the decisions of the political authority which he has constituted.[2]

The origin of political societies through more or less formal contract Locke is inclined to consider an historical as well as a logical fact. The evils attending the natural state became obvious, he argues, very early in the life of the race, and the union of men into political organizations by general consent took place long before the invention of means for perpetuating

[1] The difficulty of the question seems to have interfered seriously with Locke's lucidity of expression in explaining this point: "For that which acts any community being only the consent of the individuals of it, and it being necessary to that which is one body to move one way, it is necessary the body should move that way whither the greater force carries it, which is the consent of the majority, or else it is impossible it should act or continue one body, one community, which the consent of every individual that united into it agreed that it should; and so every one is bound by that consent to be concluded by the majority." Treatises, ii, sec. 96.

[2] *Ibid.*, ii, sec. 88.

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the record of the fact. To conclude that the state of nature and the pact of society had no existence, from the mere fact that no account of these phenomena is preserved, would be logically no more sound than to conclude that the soldiers of Xerxes were never children because we have no record of their childhood.[1] So far as historical accounts of the origin of commonwealths exist, they support, Locke maintains, the theory of contract. Rome, Venice and Sparta are fair illustrations of this, and the American Indians afford additional confirmation so far as existence in a non-political condition is concerned. The monarchies which history shows to be so characteristic of primitive times are, according to Locke, merely expressions of the importance of military leadership in those times and signify nothing as to the origin of the communities. Even the early patriarchal governments furnish so many instances of deviation from the strict hereditary succession that choice must have entered into the installation of rulers, and thus the agreement of the people must have come into play.

From the point of view of the individual, consent to membership in any political community may be, Locke holds, either express or tacit. The tacit consent is given by the mere act of remaining personally in the community or of holding property therein. One who unites with a society in this manner may, by ceasing his connection with the community, tacitly withdraw his tacitly given consent to fellowship with it; but one who has by express declaration given his consent to be a member of the commonwealth "is perpetually and indispensably obliged to be and remain unalterably a subject to it, and can never be again in the liberty of the state of nature unless by any calamity the government he was under comes to be dissolved."[2]

On the whole, Locke's doctrine as to the social contract embodies in its essential features nothing that had not been worked out by preceding philosophers. It does, however, give to the conception a high degree of definiteness, and it brings

[1] "It is with commonwealths as with particular persons. They are commonly ignorant of their own births and infancies; and if they know anything of it they are beholding for it to the accidental records that others have kept of it." Treatises, ii, sec. 101.

[2] *Ibid.*, sec. 121.

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into peculiar prominence its individualistic implications. Where Hobbes and Pufendorf had analyzed the formula of political union in order to make governmental authority absolute, Locke labored primarily to establish its limitations. Of this difference there is impressive evidence in the fact that the conception of sovereignty, which the earlier writers were at such pains to elucidate, received only the most casual notice in his constructive treatise. The term itself he does not use at all, and the idea of unrestricted power in any human hands finds no place in his theory.[1] So far as sovereignty is predicated by Locke, in fact if not in name, of any political entity, it is ascribed to the collective body which is created by the social pact. Not as a part of the machinery of government, but as that which underlies government and becomes active only when government is dissolved, the "community" is held always to be the supreme power; and in last instance it is the "public will of the society" to which alone the members owe obedience. "The essence and union of society" consist, Locke holds, in "having one will,"[2] and supremacy therefore belongs to that which is, in the fullest and most ultimate sense, the embodiment of this will. In a less ultimate sense the organ of the will, namely, the legislative branch of the government, is also designated by him as supreme.

Having accounted sufficiently for the sovereignty in the process through which political society comes into existence, Locke proceeds to the discussion of the institutions through which the ends of political society are actually attained—the institutions, that is, of the government as distinct from the state. Though philosophizing always with pretty obvious reference to the conditions in England, he develops nevertheless in connection with this part of his subject certain principles that are distinctly original in conception and that have been very influential in later application.

[1] "Absolute arbitrary power without settled standing laws, can neither of them consist with the needs of society and government." *Ibid.*, ii, sec. 127.

[2] *Ibid.*, ii, secs. 151, 212. In these passages Locke adumbrates Rousseau's famous hypothesis of the *volonté générale*.

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Government and the Separation of Powers

The ends for which civil and political society is constituted being perfectly definite, the means for the attainment of those ends are, according to Locke, correspondingly definite. Life, liberty and property are to be made secure, first, by providing a standard interpretation of the law of nature which fixes those rights; second, by providing an impartial authority to apply this interpretation as between individual members of the given community; and third, by providing for the employment of the force of the community for the execution of this authority and for security against other communities. The only interpretation of the law of nature which can at all accomplish its purpose is that which is embodied in fixed and general rules applicable uniformly to all the members of the given society. An interpretation by arbitrary decrees for each question as it arose, no matter from how august a source the decrees might emanate, would make civil life indistinguishable from that in the state of nature, since uncertainty would prevail as to the precise extent to which life, liberty and property were secure, and this is the very fact that makes the state of nature intolerable and drives men to escape from it.[1] Legislation—the formulation of the rules according to which man's natural rights are to be judged—is therefore the fundamental and primary function of government.

Logically secondary to this function, but practically quite as indispensable, is that of enforcing by penalties the prescriptions embodied in the laws. This is the executive side of governmental activity. Distinguishable from this again, because concerned with problems characteristic of a state of nature rather than a civil state, is the function of maintaining the interests of the community, or of its individual citizens, in relation to other communities and other citizens; and for this phase of governmental duty Locke suggests the name federative.[2]

[1] Treatises, ii, sec. 136.

[2] "This.....contains the power of war and peace, leagues and alliances, and all the transactions with all persons and communities without the commonwealth, and may be called federative if any one pleases. So the thing be understood, I am indifferent as to the name." *Ibid.*, ii, sec. 146.

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As the legislative is the supreme power in the government, the various forms of government are distinguished solely by the location of this power. If the community as a whole retains in its own hands the making of laws and merely designates magistrates to execute them, the government is a democracy. If the community by a majority vote places the lawmaking power in the hands of a few select men, or of a single individual, the form is oligarchy or monarchy respectively; and the particular terms by which the exercise and transmission of the power are regulated account for the various mixed forms that are known to political speculation. With all the possibilities of variety in forms of government, no possibility is recognized by Locke of more than one species of state, or "commonwealth," as he prefers to call it.[1] The body politic which is constituted by the social pact is the only entity to which the term state or commonwealth, as distinct from government, can be applied. This idea, in the form in which Locke works it out, is a novelty in political philosophy. The nearest approach to it in earlier systematic thought is probably the doctrine of popular sovereignty that was formulated by Althusius.

Another feature of his exposition of government in which Locke, though influenced obviously enough by the actual conditions in England, is nevertheless on new ground so far as theory is concerned, is that in which he sets forth the doctrine of the separation of powers.[2] The making of laws and the execution of them are functions, he argues, that make very different demands upon those to whom they are respectively intrusted. The legislature may do all its work in a relatively little time, while the executive must be always on duty. Hence the two functions may properly be assigned to distinct organs. Moreover, it is unwise to give to those who make the laws the duty of executing them, because "they may exempt themselves from obedience to the laws they make and suit the law, both in its making and its execution, to their own private wish, and

[1] "By 'commonwealth' I must be understood all along to mean, not a democracy or any form of government, but any independent community, which the Latins signified by the word '*civitas*.'" *Ibid.*, ii, sec. 133. [2] *Ibid.*, ii, ch. xii.

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thereby come to have a distinct interest from the rest of the community, contrary to the end of society and government." For both these reasons the two powers are in distinct hands "in all moderated monarchies and well-framed governments." [1] Between the executive and the federative functions, also, there is a marked distinction in kind, which would suggest that they be entrusted to different organs. But this is not done, Locke says, because each requires the armed force of the community for its action, and evil results would follow if the command of this force should be divided.

The constitution and interaction of the legislative and executive organs are discussed by Locke in terms of perfect generality, but nevertheless with obvious reference to the controversies in English politics. The legislative power should be vested, he thinks, in a number of persons who exercise it when they are duly assembled together, but become subject to the laws they have made as soon as they have separated; "which is a new and near tie upon them to take care that they make them for the public good." Where one element of the legislative body consists of representatives chosen by the people, it must be presumed that the people intend that the representation should be fair and equal; therefore, Locke argues, the absurdities of rotten boroughs may properly be abolished by executive power pure and simple, though in all other respects he is of course a particularly strong anti-prerogative man.[2]

As between the legislative and the other organs of government, he holds that the former is necessarily supreme. It is the instrument through which the will of the society is expressed, and the expression of this will necessarily precedes and determines the execution of it. Though the holder of the chief executive power may be at the same time one element in the legislative, and though by custom or expediency he may

[1] Treatises, ii, sec. 159.

[2] "To what gross absurdities the following of custom, when reason has left it, may lead, we may be satisfied when we see the bare name of a town, of which there remains not so much as the ruins, where scarce so much housing as a sheepcote or more inhabitants than a shepherd is to be found, sends as many representatives to the grand assembly of law makers as a whole county numerous in people and powerful in riches." *Ibid.*, ii, sec. 157.

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be vested with important functions in connection with the actual work of the legislature, yet these facts cannot be interpreted as exalting the executive above the legislative power. All the various issues that were conspicuous in the long struggle in England, are resolved by Locke in favor of the contentions of Parliament.[1]

As to Locke's treatment of the separation of powers, it is to be observed that he merely suggests the principle as useful in determining the relations of legislature and executive. The tripartite separation which is familiar to-day, and the justification of this separation on the ground of the mutual checks which it calls into play, have no place in the speculation of Locke, but owe their development to the genius of the Frenchman who so effectively expanded the English philosopher's suggestion.

The Right of Revolution

For more than a century before Locke wrote, one of the chief problems of political philosophy had been to discover an ultimate and unquestionable embodiment of governmental authority from whose will no appeal could righteously be made. A determinate human sovereign had been the logical goal of all the anti-revolutionary writers—a man or body of men, forming part of the machinery of government, whose expressed will, being law, was in both the legal and the moral sense binding upon every member of an organized society. Bodin, Hobbes and Filmer had all worked with this aim, and they had defended their preference for monarchy on the ground that doubt and uncertainty as to what was really the sovereign's will were less likely when the sovereign was an individual than when it was a group of individuals. Locke, while following these thinkers in their doctrine of the supremacy of law as the essential element in governmental organization, refuses to recognize in any determinate human organ an incontrovertible law-making authority. He rejects, in other words, the conception of sovereignty as it had been developed by Hobbes and lapses back into the vagueness and uncertainty of the Grotian school of thinking.

[1] *Ibid.*, ii, ch. xiii.

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That Locke has no far-reaching theory of sovereignty is suggested by the fact, already mentioned, that the term itself is not used in his systematic work. As the conventional and indeed strictly official designation of the authority that attaches specifically to a monarch, its implications are of course such as the philosopher is careful to avoid. The question as to where the "supreme power" in the commonwealth rests is, nevertheless, raised and discussed at length. As between the different departments of the government, the legislative is, as we have seen, held to be necessarily supreme. Its supremacy does not mean, however, anything like absoluteness. The legislature is limited by the ends for which the civil society is constituted and has no more power than that which is given up by the individual in the social compact. It is bound, therefore, to rule according to the law of nature, to carry on its functions through fixed and general laws rather than arbitrary decrees, and in particular to abstain from taking property without the consent of the owner.[1] Furthermore, the legislative organ, because its authority is merely delegated by the people, cannot transfer its authority to other hands. This conception of a governmental power which, while not absolute, is nevertheless supreme in relation to other governmental powers, is sufficiently intelligible; but the extreme stress laid by Locke upon the subordinate nature of the executive is hardly consistent with the scope of prerogative which he himself allowed to the executive or with the remarkable doctrine that the executive may remodel a legislature that has ceased to be representative of the people.[2]

Behind this "supreme" legislature stands the more ultimate embodiment of power, the people. Legislative authority is but a trust to be employed for the needs for which civil society is

[1] Treatises, ii, ch. xi: "Of the extent of the legislative power." This chapter involves much repetition and more or less that is inconsistent and illogical, indicating the writer's intentness on the end he has in mind rather than the means by which he is to attain it. His particular concern is to deny to the legislature unlimited authority over private property; and accordingly, after declaring as one limitation upon the legislature the law of nature, of which he has repeatedly shown the right of property to be substantially the chief feature, he enumerates the security of private property as another and distinct limitation. Sec. 138.

[2] *Supra*, p. 238.

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constituted, and failure to fulfill this trust calls into action the supreme power of the people to remove or alter the legislature. "The community perpetually retains a supreme power of saving themselves from the attempts and designs of anybody, even of their legislators, whenever they shall be so foolish or so wicked as to lay and carry on designs against the liberties and properties of the subject." [1] But this overruling power of the people or the community or civil society, as he variously designates its possessor, is conceived by Locke as ordinarily dormant, becoming active only when the government is dissolved. It is a cardinal point in his system that government may be dissolved while society remains intact,[2] and he is logical in ascribing to the latter an authority above that of the former. But on the test question as to the precise ground and manner in which the society or "the people" is to supersede the government, Locke's answer is no more satisfactory than that of the multitude of popular sovereignty theorists who preceded him. Government is dissolved, he declares, when the legislature is so transformed as to bring the lawmaking power into hands other than those to which it was entrusted by the community at its organization, or when either legislature or executive acts contrary to its trust.[3] But on the vital point as to who shall determine when these dissolving conditions exist, he has no more definite answer than "the people." No procedure is provided through which the judgment of the people on the issue is to be arrived at, though Locke appears to feel that no portion less than a majority will actually take any decisive step.[4]

This whole theory as to the power of society to displace the holders of governmental authority is of course merely one version of the so-called "right of resistance." Locke's phrase for designating this right is the "appeal to Heaven," which he regards as the privilege not only of the body of the people, but even of any single man. This seems hardly consistent with his earlier doctrine that the individual who expressly

[1] Treatises, ii, sec. 149.

[2] *Ibid.*, ii, sec. 211.

[3] *Ibid.*, ii, secs. 212–221 *et seq.*

[4] *Cf.* secs. 168 and 209.

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makes himself a party to the social pact is irrevocably determined to be a member of the society and as such is concluded by the voice of the majority.[1] The necessary result of the one doctrine seems to be the permanence of social life; that of the other, anarchy. Locke, however, feels quite sure that the recognition of the "appeal to Heaven" does not from the practical point of view involve anarchy. "The people" are as a rule "more disposed to suffer than right themselves by resistance." Only when injustice and oppression have gone very far and have become obvious to a majority of the people will the "appeal to Heaven" actually be made. Both in the lack of logic in his theory and in his serene confidence in the moderation of those who may apply it, Locke manifests a spirit which in a most impressive way was characteristic of the Whig revolution that he was defending.

Locke's Place in the History of Political Theory

Regarded in his relation to the seventeenth century as a whole, Locke stands high in that group of thinkers who promoted the rationalistic idea of life—who preached that the earth and all the institutions thereof were made for man, not man for them; and that, whatever the importance of unquestioning faith in preparation for the life to come, the peace and comfort which were sought by man in the present life were to be secured only by the relentless application of reason to all the problems that might present themselves.

As between the two schools which divided the adepts of ethical and political philosophy, Locke belonged with Grotius rather than with Hobbes. As between Pufendorf and Spinoza, he was nearer to the former, although his definition of individual liberty is often singularly suggestive of the latter. As the works of Pufendorf and Spinoza had been before the world of scholarship for many years when Locke published his political writings, and as Locke was peculiarly familiar with current philosophy, there is no room to doubt that the many points of coincidence between his theory and theirs were the results of conscious adoption. Where he departs from his predecessors

[1] Compare secs. 97 and 121 with secs. 168 and 241.

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and strikes out on new lines of thought, the conditions of English practical politics are in most cases clearly responsible.

The most distinctive contribution of Locke to political theory is his doctrine of natural rights. In this he takes the ideas of the Independents and gives them a fundamental position in his general system. Life, liberty and property he represents as inalienable rights of every individual. The peculiarity of his treatment of this familiar concept is in the definiteness with which these rights are made to appear as the concrete privileges of actual living men. In the law of nature as treated by Pufendorf, in the liberty that is eulogized by Milton and Spinoza, there is, despite the purpose of the writers to set up real barriers to despotism, a general effect of abstraction and unreality, or at best an impression that the immunity that is aimed at must be the privilege of very wise and exceptional men, not the right of every ordinary mortal. Locke's equal rights, on the other hand, are so inwrought in his explanation of political institutions as to appear indispensable to the very existence of an actual political community. The happiness and security of the individual figure not as essential to the existence of government, but as the end for which alone government is ever called into existence.

Freedom of worship is not included by Locke within the list of strictly natural rights. It is not one of those privileges of the individual for the defense of which government is instituted. His plea for toleration rests rather on the doctrine that the state has nothing whatever to do with forms of worship. The worship of God is a means to eternal salvation, and as such lies entirely outside the sphere of the state. The organization which takes care of that matter is the church, and the spheres of church and state are mutually exclusive. For his definition of a church Locke adopts in full the idea of the Independents. It is "a voluntary society of men joining themselves together of their own accord, in order to the public worshiping of God in such a manner as they judge acceptable to him and effectual to the salvation of their souls."[1] With such an extreme and uncompromising conception of religious society he has no dif-

[1] First Letter concerning Toleration.

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ficulty in establishing its absolute distinction from a civil society, and in removing from the jurisdiction of the latter everything that pertains to the care of souls. The commonwealth, whose function is to provide for the material and temporal security of its members, is limited strictly to what concerns that matter and is bound by the nature of its being to permit men to seek their future salvation in any manner they choose. Not only Presbyterians, Independents, Anabaptists, Arminians and Quakers, but even Pagans, Mohammedans and Jews are by right entitled to the same civil privileges as those of the more orthodox manner of worship. The comprehensive toleration thus established by Locke is sustained by the same rationalistic reasoning that Milton had employed, and the only qualifications introduced are based on strictly political considerations: (1) there need be no toleration of opinions that militate against the existence of civil society or contravene the principles of morality on which society rests—a qualification that had been laid down by Spinoza; (2) no right of toleration can be claimed by a church so organized that its members are subject to another prince—a familiar principle on which Catholics were excluded; and (3) there is to be no toleration of atheists, since "promises, covenants and oaths, which are the bonds of human society, can have no hold on an atheist."[1]

In this doctrine of religious toleration Locke hardly reaches so advanced a point as that attained by Spinoza, or even by Milton, in their pleas for freedom of opinion. His purpose, indeed, is more restricted than theirs, and he strives only to make a case for freedom of worship, although a general toleration of expression is implied at some points in his argument. It is quite characteristic of Locke, however, to pause before reaching the extreme point in the logical development of a theme. Moderation and the avoidance of extremes is eminently his chief philosophical quality, showing themselves in the political as well as the other branches of his thinking. He has none of that confidence which Hobbes and Spinoza manifest in the capacity of the human intellect and judgment for the solution of all the problems that human conditions can suggest.

[1] First Letter concerning Toleration.

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Probable truth rather than absolutely certain truth is the most extreme goal that he has in view in his general philosophy, and similarly a practical working system rather than an absolutely perfect one is the goal of his political philosophy. This was indeed the goal of the Revolution of 1688. The memory of many participants in the movement retained most vivid impressions of the consequences of extreme proceedings forty years earlier, and these men were successful in giving a wholly opportunist character to the Revolution. Locke's political theory corresponded to this Whiggish practical work. It was a theory that treated of a state of nature that was not altogether bad, and of its transformation into a civil state that was not altogether good by a contract which was not very precise in its terms or very definite in its sanction. It embodied, moreover, a conception of sovereignty of the people without too much of either sovereignty or people; of the law of nature without clear definition of either law or nature; of natural rights, but not too many of them; and of a separation of powers that was not too much of a separation. It concluded, finally, with a doctrine as to the right of revolution that left no guarantee whatever for the permanence of the rather loose-jointed structure which the rest of the theory had built up. Yet this illogical, incoherent system of political philosophy was excellently adapted to the constitutional system which England needed at that time and which the Whigs actually put and kept in operation. It was a good, respectable, common-sense view of the features of political life that impressed a philosophical observer; it was strong in the individual parts, if not in their correlation; and it was far better adapted to make an impression on thinking Englishmen than were the more logical systems of Hobbes and Spinoza. It was Locke's theory that was brought over, supported by the practical illustration of the accomplished revolution, to the Continent, where many of its elements were taken up and developed to their logical limits by the thinkers of France. The systems which resulted there in the revolutionary period are hardly more satisfactory, in the perspective of history at least, than the less coherent doctrine which was set forth by the Englishman.

WM. A. DUNNING.

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THE FIELD OF ECONOMIC DYNAMICS

IT is the purpose of this paper briefly to indicate a certain enlargement which economic theory is undergoing and a new and intimate relation to statistical knowledge which it is assuming in the newer portion of its domain. It is obvious that general political economy is becoming practical. It is emphasizing statistics and industrial history, gathering from the field of business data which, in themselves, command a measure of respect on the part of employers of labor, influential workingmen and even politicians. The conclusions which may be based on such data constitute a new mass of theoretical knowledge; and there is doubt as to whether this theoretical knowledge is winning its full share of the respect which is felt for tabulated statements of bald fact. While the work of the economic theorist has at certain epochs kept pace in recognition and influence with that of the statistician and the historian, there has arisen a suspicion that the recent gains in applied economics are made at the cost of pure theory as such. They are supposed to represent a reaction against its former spirit and method and in favor of a type of research which calls men out of the study into the arena of active business.

It will hardly be admitted, by those who rejoice in an intelligent way over the reaction which has taken place, that it implies such an exaltation of bald facts as to carry with it a contempt for principles or a definite abandonment of the search for them. What is claimed in this paper is that the new facts which are appearing will inevitably prompt not only scientists but practical men who think at all to try to discover the principles underlying them. The facts will not go without interpretation. What Aristotle said of the general phenomena of the universe applies in a concrete way to industrial developments: "We *must* philosophize." It is not in the nature of the mind to see what is occurring without trying to discover the forces that cause it and the laws which govern their action. The search for such laws holds the investigator in the world of

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realities, and the modern extension of theory will meet the demand for knowledge which is before all else practical.

While much of the investigation of early economists could be carried on without elaborate historical data and even without very elaborate statistics, the special character of the new theoretical problems requires us to go below the recent and startling movements in business life and see, if we can, what forces control them; and of course we cannot do this successfully if we get at all out of touch with the facts themselves. Ultra-theoretical, nevertheless, will be the pure economic science which is thus to be attained and formulated. It will be as far as possible from catering to a really philistine demand for bare facts and figures and from showing any timidity as to the use of the reasoning powers. It will not fear to analyze and generalize. It will do so boldly and confidently, but not without an intimate acquaintance with markets, the organization of labor and the consolidation of capital, and not without a study of the new economic influence of the law-making power and of party machinery. Philosophical thought and practical life will thus come into the closest connection. The man of affairs will be worth most when he has in mind correct theoretical principles, and the theorist, on his part, will get most from the world and give most to it when he pursues more rigorously than he ever pursued before his analytical and deductive work.

Intricate and difficult are the specific problems that now have to be solved. Changes are in progress the effects of which go through the very structure of society itself. Population is increasing, capital is accumulating, migrations are going on, revolutionary inventions are in progress, the languid Orient is suffering invasions by the irrepressible Occident and is itself about to undergo a radical transformation and to react in a powerful way on the destinies of the West itself. These movements do not go on so completely of themselves as to permit no promoting or interfering by the state. Nations seek to control and guide them in a conscious and purposeful way. Diplomacy and war and experimental law-making, not to mention more experimental platform-making, range themselves among the forces with which the economist has to reckon; and if in the midst of

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the overturnings which result there can be detected the orderly working of economic law, nothing can be more important or practical than discovering it.

The larger part of the work heretofore done in the realm of economic theory has consisted in a search for standards of value, wages, interest and rent, and in attaining truths so general that they are not dependent on the amount of progress which a society has made. Such, for example, is the principle that the natural price of an article of commerce is based on the cost of making it, and that towards this standard the price of an article, in any stage in the development of a civilized society, is always tending. Such, also, is the principle that there is a natural rate of pay for labor of a given quality to which the wages of actual workmen of this grade steadily tend to conform; and that there is a normal standard of rent for each piece of land to which the amount that the owner actually gets is more or less closely approximate. The establishing of scientific standards such as these does not necessarily call one far into the field of history, although statistical tables are eminently useful in assisting in the process and in verifying its results. The theoretical work of earlier economics was chiefly static; and it is only in the realm of dynamics that the historical data become highly essential.

The economists have been quick to admit that this tendency of values to conform to their theoretical standards is obstructed by adverse influences, and that the price of a commodity, the pay of a workman and the rent of a piece of land are seldom, as they would have said, exactly natural, or as we might say, static. They have admitted the discrepancy between economic standards and concrete reality, but have ascribed this to friction and obstruction rather than to anything more general and fundamental. It has not been clearly perceived that it is organic change in society itself which causes the abiding differences between the traditional standards of value, wages, interest and rent, and the actual rates. The newer theory will devote itself to the study of such organic change; and this will connect it closely with practical life and will make theory on the one side and statistics and history on the other mutually indispens-

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able. It will not confound theory with fact, but it will make theory dependent on fact and *vice versa*. The assumptions with which it starts will be supposed realities which it is in order to test by practical inquiry, and the conclusions will be subjected to the same testing process. On the other hand, the principles tentatively attained by the use of the assumed premises will become an indispensable guide in the search for facts. They will lead to the discerning of facts which mean something and are capable of orderly arrangement and interpretation. Otherwise there is danger of collecting a mass of information so vast and chaotic that it will be useful to the baffled student chiefly as a means of moral discipline.

Without fully realizing it, the economists of an early day were, as has been indicated, trying to establish static standards. Their "natural" price of a commodity, for example, was one that might be realized in practice if society were in a certain changeless state. Stop the disturbance and movement which progress causes and wait long enough to let friction be overcome, and the cost of an article, as scientifically defined, will be the real price for which it will sell. If the outlay involved in making a yard of cotton cloth of a certain weight and fineness were forever fixed, it might be that the price it would sell for would come to vary from the cost very little; but it is quite otherwise when the cost itself is perpetually varying. When such goods were made entirely by hand their makers' outlay afforded for some time a more or less stable basis of price, but with the invention of the spinning jenny the cost fell. The actual price began to tend toward the reduced level, but before it could reach its new plane further inventions were made and the standard of price again fell. So long as such things occur, the price of an article can never stand at the cost rate, but must forever pursue that rate, as industrial changes carry the cost lower and lower.

This is merely one illustration of what is occurring at innumerable points and affecting many economic standards. There are natural rates not only of prices for all articles but of wages of labor and of interest on capital. There is even a standard form of industrial society itself, and this is continually chang-

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ing. For the present the standards of value, wages and interest will serve as adequate illustrations of a general principle; for all these standards are undergoing perpetual change and drawing actual prices, wages and rates of interest after them in their movement, though friction keeps the attracting standards and the pursuing practical rates a certain distance apart.

The economic science of the future will have to deal comprehensively with industrial changes, their causes and their results; and among the results will be alterations of the economic standards of which we have spoken and of many others. The productive power of labor, which constitutes the basis of its pay, should for the good of humanity grow larger from decade to decade, and the pay should rise, following at a certain distance the rising standard. On the other hand, if the gross amount of the social fund of capital increases as much as the welfare of all classes requires that it should do, it may be expected that the productive power of a unit of it will grow smaller, and that the actual interest will fall with this falling standard. The theory of economic dynamics will endeavor to refer these and many other changes to their cause and to trace their effects, thus affording a comprehensive knowledge of the laws of economic movement.

We may briefly glance at three of the general changes which are in progress, in order to see how the phenomena of change as actually recorded in statistical tables need to be appealed to. Population is increasing, capital is accumulating, and new methods of production are coming into use. The most important single result of any one of these dynamic influences is a change in the productive power of labor, which sets the standard of its pay. By way of illustration we may notice each of these changes with reference to this single effect.

On the basis afforded by common observation, the effect of each of these changes on the rate of pay for labor is now known. An increase of population, in itself and apart from any accompanying change, tends to reduce the productive power of a unit of labor and thus to lower the standard of its pay. The more men there are working in a field of a given extent and richness, the less each one of them can create and the less he can expect to get.

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On the other hand, an increase in the amount of capital tends to raise the standard of wages. The more we enrich the field in which a force of men are at work, leaving the size of the force unchanged, the more each one of the men will create, and the more, in the absence of excessive friction, he will actually get.

An improvement in the methods used in producing commodities works, as far as wages go, in the same direction as an increase in capital, in that it enlarges the amount which a single worker can create and secure. If population grows moderately while capital accumulates and methods improve rapidly, the standard of wages moves upward at an encouraging rate, and the actual pay of workingmen pursues this rising standard, though lagging somewhat behind it. A check on the growth of population and a stimulus to the accumulation of capital and to industrial discovery and invention would together produce a result that is ideally desirable. By reason of the enlarged total amount of his fund, the capitalist would get an enlarged total income, though the rate of interest would have somewhat fallen. The entrepreneur, by means of the improved methods of production put at his disposal, would have increased profits, and the laborer, by a compounding of the various influences at work, would get a large increase of pay. Squarely in the way of the realization of this effect was the Malthusian law as originally understood; for it appeared to show that, whenever wages rise, a quick increase of population takes place and brings down the pay of labor to its former level. Rising wages would thus start an influence that would shortly induce falling wages, and any gain which labor might make would be transient. This is the essence of that dismalness which has been attributed to economic science.

On the other hand it is possible to state theoretical conditions in which the gains of laborers tend to perpetuate themselves. In these assumed circumstances the enlarged income of the laborers would not stimulate but would retard the growth of population. Instead of causing something to ensue which soon neutralizes a transient improvement in the workers' condition, a rise in the earnings of labor may thus have an effect

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which induces a further rise. The workers' gains would be self-perpetuating.

The studies of Malthus constitute the most valuable work in economic dynamics that was done by the early economists. Though they were prosecuted with no reference to incorporating their results into a systematic science of economic change, they furnished an important fragment of such a science and illustrate both its value and its practical character. In their developed form Malthusian doctrines do not afford for the laboring class an outlook that is quite hopeless, for they do not lead one to predict a necessarily disastrous world-crowding. They open a possibility of checks on the growth of population which may operate more vigorously as laborers attain a higher mental and moral level. Yet they leave small reason for concluding that, in a merely economic way, a check on the growth of population can give a permanent benefit to workers, since they do not afford any ground for believing that such a check on the growth of numbers tends itself to cause a further check. With no allowance for psychic gains, it may be expected that workers, by a quick increase of numbers, will lose the increments of wages which any cause may bring to them. Whether they will do this or not is a question of fact, and the decision will involve a further and profound study of population.

What we need to know is whether the assumed theoretical case, in which a rise in wages induces a further rise by means of the check which it imposes on the growth of population, is or is not an actual case. This will tell whether any real increase in workmen's pay tends by its own influence to check itself or to perpetuate itself. It is already beginning to be evident that the latter effect is a probable one, and there is pressing need of statistics that will fully test this probability. An increase of general prosperity means the promotion of men from an ill paid class to a better paid one and a numerical shrinking of the worst paid class. This reduces the proportion of the population belonging to the class which shows a high birth rate and increases the proportion belonging to those which have a low one. The accumulation of property by workmen is an influence that retards the growth of numbers, and it is, of course, the higher

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classes of laborers that are the best able to make such accumulations. Education reduces the rate, and the higher classes have the more education. Finally, any prosperity which is long continued has a tendency to establish a progressive standard of living. Men may even become habituated, not merely to living on a certain absolute level, but to living, as the years advance, on a higher and higher level. This is the supreme possible result of an era of prosperity; and if it ever becomes an assured and general result—if men come to require for their personal satisfaction that they shall live in each decade better than they did in the preceding one and shall act accordingly—all danger that laboring men will sacrifice their gains and turn the course of progress backward will be forever removed. Gains for labor will be precursors of no offsetting losses but rather of further gains, and men will hold their improved stations with an ever increasing firmness of tenure. The culminating result of progress will be its self-perpetuating tendency: workmen also will benefit by the law that "to him that hath shall be given." It is the function of the statistician to measure quantitatively the influences which make for this ideal consummation and to measure the grand resultant effect of them all. Only a study which is profound on the theoretical side and elaborate on the statistical side can settle the issue as to whether the favorable conditions are real and how powerfully they act.

Not less important than the laws of population are the laws governing the accumulation of capital; but in this field little scientific work has been done, and a highly questionable conclusion has been lightly accepted. An increase in the amount of productive wealth raises wages as a decrease in the number of workers would do. It is the second of two coördinate causes of an enlarged return for the laboring class, and it has been too readily assumed that an increase in the productive fund of society tends to retard a further increase. The conclusion is thus easily reached that any gain which labor may make through an enlargement of the social capital will grow smaller, because this enlargement itself will go on more and more slowly. An influx of capital tends to retard rather than

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to stimulate a further influx. As capital becomes greater the rate of interest falls, and it has been assumed that this fall reduces the total incentive to accumulation. Abstinence is foregoing something in the present for the sake of something in the future, and if this prospective reward grows smaller it is taken as a matter of course that the motive for securing further capital will also be smaller.

Now there is a theoretical condition in which the effect of an increase of capital will be the opposite of this and will stimulate a further increase. It has been conceded that a desire to endow a family with an income of a certain fixed amount may have such an influence. If, in order to maintain an accustomed standard of living, it is necessary that one's children should inherit an annual income of a thousand dollars a year, twenty-five thousand dollars will be needed when the rate of interest stands at four per cent, whereas under a rate of five per cent twenty thousand would have sufficed. This qualification may have far more importance than has been attached to it; for the reason, first, that a desire to place descendants on a certain plane of life may become a dominant motive of the capitalist class; and secondly, because this class may come to include a larger and larger proportion of the men who labor. Assume that workmen become habituated to a rising standard of living, that they wish to see their children live better than they do themselves and that they rely on costly training and on transmitted capital to make this possible, and they will have a motive for saving a greater amount of capital, as the percentage representing its annual earnings lessens. If, further, the men who reap the net rewards of business—the entrepreneurs' profits—look on such returns more and more as a means of endowing descendants, they also will have a greater motive for saving as the income from a given amount becomes smaller. The two chief sources of increase of capital, namely wages of labor and the net profits of business, may, as interest falls, enlarge the total of wealth more rather than less rapidly. Here again is an issue of fact which can be decided only by a broad generalization following a difficult study in statistics. The generalization that can so be made will furnish a law of accumulation, an important part of the theory of economic dynamics.

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It is a question whether the march of invention will be accelerated or retarded by the growth of wealth which results from it, and whether this third basis of prosperity is self-accelerating or self-retarding. This problem is even more complex than the former one. The influences that will decide the issue are many and varied and have been little studied. If a great accumulation of wealth involves a growth of monopolies and a gradual extinction of competition, it will work unfavorably on the improvement of economic methods. In the hands of secure monopolies industry would probably stagnate. Does the mechanical progress of the present day in itself tend in this direction? This is an important question, but it is only one part of the larger question, whether the principle of monopoly is becoming supreme and whether competition is on the road to extinction. The answering of these questions will require that we attain a law of progress in both the technique of industry and in the forms of its organization. Theoretical and practical alike must the study be which will yield it. A tentative conclusion must be verified by an elaborate study in the domain of fact.

I have cited only three of the problems which progress presents and have therefore only skirted the edge of the field of economic dynamics, within which, I believe, the chief work of the future will lie. The problems which have been cited afford illustrations of the general truth that economic study will, in its new domain, afford no ground for the charge that it breaks away from the domain of fact. Far, indeed, will it be from being a transcendental philosophy, a product of mere ratiocination or a system evolved from the inner consciousness of a recluse. Facts will lie at the bottom of it, and much needed guidance in dealing with modern problems will be the immediate fruit of it. The new economic science, as statesmen come to apprehend it, will have some effect on law-making, and as the people ultimately come to apprehend it, will have more. Some conception of the laws of progress will of necessity take form in the popular mind. Inevitably will each thinking man try to perceive what forces are impelling us, whither we are moving, and whether we can control the movement. The invi-

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tation which the age extends to its economic students is to exercise such control and to show in what direction the movement should be turned. The age needs principles for its practical guidance. To fail to furnish them would bring economists into merited discredit; to succeed in this task will require a great extension of economic theory. Both the value of the science and the recognition it will receive will be in proportion to this theoretical growth. It will be found, as the study of modern changes goes on, that men have their fate more in their own hands than has been supposed. A government can create conditions in which technical advances will be made, new capital accumulated and rising wages ensured. It can do much to save from suppression the vital force of competition, and in this and in other ways it can avert disaster and ensure a normal development. It can do this by respecting the principles of economic dynamics as they shall come to be known through the work of many theoretical students, whose conclusions shall be tested by the work of many more statisticians. The economists of the future have their work cut out for them and the plan of it determined. The results will be as valuable as the work is extensive and difficult.

JOHN BATES CLARK.

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THE ECONOMIC COST OF SLAVEHOLDING IN THE COTTON BELT[1]

APART from mere surface politics, the ante-bellum South is largely an unknown country to American historians. The conditions, the life, the spirit of its people were so different from those which prevailed and still prevail in the North that it is difficult for northern investigators to interpret correctly the facts which they are able to find. From the South itself they have received little assistance; for before the war southerners were content, as a rule, to transmit traditions without writing books and since the war they have been too seriously engrossed in adapting themselves to new conditions to feel any strong impulse towards a scientific reconstruction of the former environment. When the South shall have been interpreted to the world by its own writers, it will be highly useful for students of other sections and other countries to criticise and correct, utilize and supplement the southern historical literature.[2] At the present time, however, the great need seems to be that of interpretation of developments in the South by men who have inherited southern traditions. This consideration will perhaps justify the following incomplete study.

Whether negro slavery was an advantage in the early colonies and whether it became a burden in the later period, and, if so, how the change occurred, and why the people did not relieve themselves of the incubus—these are a few of the fundamental problems to which the student must address himself. The present essay, based on a study of slave prices, deals with the general economic conditions of slaveholding, and shows the great transformation caused by the opening of the cotton belt and the closing of the African slave trade.

[1] The grant of a fund by the Carnegie Institution of Washington has been of material aid in prosecuting the research of which this article is a product.

[2] In the study of the economic history of American slavery the writer has enjoyed the collaboration of Dr. Charles McCarthy, of Wisconsin, a keen thinker with a point of view which supplements that of a southerner.

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As regards the labor supply, the conditions at the outset in the new world of America were unlike those of modern Europe, but similar to those of Asia and Europe in primitive times. The ancient labor problem rose afresh in the plantation colonies, for land was plentiful and free, and men would not work as voluntary wage-earners in other men's employ when they might as readily work for themselves in independence. There was a great demand for labor upon the colonial estates, and when it became clear that freemen would not come and work for hire, a demand developed for servile labor. At first recourse was had to white men and women who bound themselves to serve three or four years to pay for their transportation across the sea, and to English criminals who were sent to the colonies and bound to labor for longer terms, frequently for five or seven years. Indian slaves were tried, but proved useless. Finally the negroes were discovered to be cheap and useful laborers for domestic service and plantation work.

For above half a century after the first negroes were brought to Virginia in 1620, this labor was considered a doubtful experiment; and their numbers increased very slowly until after the beginning of the golden age of the colony toward the end of the reign of Charles II. But the planters learned at length that the negroes could be employed to very good advantage in the plantation system; and after about 1680 the import of slaves grew steadily larger.[1]

In the West Indies the system of plantations worked by slaves had been borrowed by the English settlers from the Spaniards; and when the South Carolina coast was colonized, some of the West India planters immigrated and brought this system with them. In view of the climate and the crops on the Carolina coast, negro slave labor was thought to be a *sine qua non* of successful colonizing. The use of the slaves was confined always to the lowlands, until after Whitney invented the cotton gin; but in the early years of the nineteenth century the rapid opening of the great inland cotton belt created a new and very strong demand for labor. The white farming

[1] For statistics of the increase of slaves in Virginia, see J. C. Ballagh, History of Slavery in Virginia, pp. 10 to 25, *et passim*.

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population already in the uplands was by far too small to do the work; the lowland planters began to move thither with their slaves; the northern and European laboring classes were not attracted by the prospect of working alongside the negroes; and accordingly the demand for labor in the cotton belt was translated into an unprecedented demand for negro slave labor.

Negro slavery was established in the South, as elsewhere, because the white people were seeking their own welfare and comfort. It was maintained for the same economic reason, and also because it was thought to be essential for safety. As soon as the negroes were on hand in large numbers, the problem was to keep their savage instincts from breaking forth, and to utilize them in civilized industry. The plantation system solved the problem of organization, while the discipline and control obtained through the institution of slavery were considered necessary to preserve the peace and to secure the welfare of both races. Private gain and public safety were secured for the time being; but in the long run, as we shall see, these ends were attained at the expense of private and public wealth and of progress.

This peculiar labor system failed to gain strength in the North, because there was there no work which negro slaves could perform with notable profit to their masters. In certain parts of the South the system flourished because the work required was simple, the returns were large, and the shortcomings of negro slave labor were partially offset by the ease with which it could be organized.

Once developed, the system was of course maintained so long as it appeared profitable to any important part of the community. Wherever the immediate profits from slave labor were found to be large, the number of slaves tended to increase, not only through the birth of children, but by importations. Thus the staple-producing areas became "black belts," where most of the labor was done by slaves. With large amounts of capital invested in slaves, the system would be maintained even in times of depression, when the plantations were running at something of a loss; for, just as in a factory, the capital was fixed, and operations could not be stopped without a still greater loss.

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When property in slaves had become important, the conservative element in politics became devoted, as a rule, to the preservation of this vested interest. The very force of inertia tended to maintain the established system, and a convulsion or crisis of some sort was necessary for its disestablishment in any region.

As a matter of fact it was only in special industries, and only in times of special prosperity, that negro slave labor was of such decided profit as to escape condemnation for its inherent disadvantages. But at certain periods in Virginia and in the lower South, the conditions were unusual: all labor was profitable; hired labor was not to be had so long as land was free; indentured white servants were in various ways unsatisfactory, and negro slaves were therefore found to be of decided profit to their masters. The price of Africans in colonial times was so low that, when crops and prices were good, the labor of those imported repaid their original cost in a few years, and the planters felt a constant temptation to increase their holdings of land and of slaves in the hope of still greater profits.

Thus in Virginia there was a vicious circle: planters bought fresh lands and more slaves to make more tobacco, and with the profits from tobacco they bought more land and slaves to make more tobacco with which to buy yet more land and slaves. The situation in the lower South was similar to that in Virginia, with rice and indigo, or sugar, or in latter times cotton, substituted for tobacco. In either case the process involved a heavy export of wealth in the acquisition of every new laborer. The Yankee skipper had a corresponding circle of his own: he carried rum to Guinea to exchange for slaves, slaves to the plantation colonies to exchange for molasses, molasses to New England to exchange for more rum, and this rum again to Guinea to exchange for more slaves. The difference was that the Yankee made a genuine profit on every exchange and thriftily laid up his savings, while the southern planter, as a rule, invested all his profits in a fictitious form of wealth and never accumulated a surplus for any other sort of investment.

From an economic point of view the American system of

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slavery was a system of firmly controlling the unintelligent negro laborers, and of capitalizing the prospective value of the labor of each workman for the whole of his life. An essential feature of that system was the practice of buying and selling the control over the slave's labor, and one of the indexes to the economic situation at any time may be found in the quotations of slave prices.

The slave trade had no particular local home or "exchange," but it extended throughout all the slaveholding districts of America. Though the number and frequency of slave sales was relatively small, the traffic when once developed had many of the features of modern stock or produce markets. It cannot be forgotten, of course, that the slave trade involved questions of humanity and social organization as well as the mere money problem; but from the financial point of view the slave traffic constituted simply an extensive commodity market, where the article dealt in was life-time labor. As in any other market, the operations in the slave trade were controlled by economic laws or tendencies. There were bull influences and bear influences, and occasional speculative campaigns. And when at times the supply was subjected to monopoly control, the prices tended to go wild and disturb the general system of finance in the whole region.

In the general slave market there was constant competition among those wishing to sell, and among those wishing to buy. The volume of the colonial slave trade and the rate of slave prices tended to fluctuate to some extent with the tides of prosperity in the respective staple-producing areas; but during the colonial period the plantations in the different regions were of such varied interests, producing tobacco, rice, indigo, cotton, sugar and coffee, that depression in one of these industries was usually offset, so far as concerned the slave-trader, by high profits in another. Barbadoes was the information station. The slave ships touched there and gathered news of where their "ebony" was to be sold the highest.[1] The Royal African Company had the best system of intelli-

[1] D. McKinnon, Tour Through the British West Indies, p. 8.

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gence, and about 1770 and 1780 it sold its cargoes at a fairly uniform price of £18 to £22 per head,[1] while the independent traders appear to have obtained from £15 to £25, according to the chances of the market. American-born slaves, when sold, brought higher prices than fresh Africans, because their training in plantation labor and domestic service rendered them more valuable. The prices of the home-raised slaves varied considerably, but so long as the African trade was kept open, the price of field hands of all sorts was kept reasonably near to the price of the savage African imports.

In the very early period the sellers in the slave market were more eager than the buyers, and the prices ranged nearly as low as the cost of purchasing slaves in Africa and transporting them to America; but great prosperity in all the different groups of plantations at the same period soon greatly increased the demand, and the ships in the traffic proving too few, prices rapidly advanced. After this, however, there came a decline in tobacco profits; then the war of revolt from Great Britain depressed all the staple industries simultaneously, and following that the American production of indigo was ruined by foreign competition. Thus in 1790–95 slave prices reached the bottom of a twenty years' decline.[2]

[1] *Virginia Magazine*, iii, 167. Calendar of State Papers, Colonial Series, America and West Indies, 1775–76, p. 155 *et passim*.

[2] The depression of industry in the staple districts toward the close of the eighteenth century is illustrated by several contemporary writers. Samuel DuBose, in his reminiscences of St. Stephen's parish, describes conditions in lowland South Carolina in the period after the close of the American Revolution:

"When peace was restored every planter was in debt. . . . Ruin stared many in the face. Besides, with the exception of rice, the country had no staple crop; for since the bounty, which as colonists they had enjoyed on the export of indigo and naval stores, had been discontinued, these products ceased to have any value, and negroes fell in price. Prime gangs were not unfrequently sold for less than two hundred dollars per head. . . . The people however . . . . were sanguine respecting the future. . . . They strove to reduce their expenses to the lowest possible point; they manufactured clothing for themselves and their slaves; raised abundant supplies of poultry and stock of various kinds, and with these contrived to live in plenty. . . . [At length] the Santee Canal was projected and constructed within their neighborhood. Everyone availed himself to a greater or less extent of this opportunity of hiring their negroes; for men they received thirty and for women twenty pounds sterling per annum, besides their food. At times a thousand labor-

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The developments following Whitney's invention of the cotton gin revolutionized the situation. Slave prices entered upon a steady advance, which was quickened by the prohibition of the African trade in 1808. They were then held stationary by the restrictions upon commerce, and were thrown backward by the outbreak of war in 1812. But with the peace of Ghent the results of the new cotton industry and of the cessation of African imports became strikingly manifest. The inland fields of the lower South proved to be peculiarly adapted for the production of cotton. The simplicity of the work and the even distribution of the tasks through the seasons made negro slave labor peculiarly available. With the increasing demand of the world for cotton, there was built up in the South perhaps the greatest staple monopoly the world had ever seen. The result was an enormous demand for slaves in the cotton belt. American ports, however, were now closed to the foreign slave trade. The number of slaves available in America was now fixed, the rate of increase was limited, and the old "tobacco South" had a monopoly of the only supply which could meet the demand of the new "cotton South."

ers were employed on this work, which was seven years in being completed. The enterprise, which was disastrous to those who had embarked in it, rescued a large number of planters from ruin. It was commenced in 1792, and finished in 1800. Two or three years after it had been commenced, a few planters in the neighborhood tried the cultivation of cotton on a small scale, but the progress of this enterprise was slow and irresolute, in consequence of the difficulty of preparing it for market. With the improvement of the gins, the cotton culture increased and was extended, until 1799, when Capt. James Sinkler planted three hundred acres at his plantation Belvidere, on Eutaw Creek, and reaped from each acre two hundred and sixteen pounds, which he sold for from fifty to seventy-five cents per pound." This pamphlet of DuBose's is reprinted in T. G. Thomas' History of the Huguenots in South Carolina. N. Y., 1887, *vide* pp. 66–68. The accuracy of the statements quoted is borne out by the very interesting manuscript records of the Porcher-Ravenel family, which are now in the possession of members of the family at Pinopolis, St. John's parish, Berkeley, S. C.

Virginia conditions are indicated in a letter of George Washington to Alexander Spotswood, Nov. 23, 1794, which is published in the *New York Public Library Bulletin*, vol. ii, pp. 14, 15. Spotswood had written that he intended moving west, and asked advice as to selling his lands and slaves. Washington replied that he believed that before many years had passed slaves would become a very troublesome sort of property, and that, except for his principles against selling negroes, he himself would not by the end of twelve months be possessed of a single one as a slave.

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Till 1815 "colonial" conditions prevailed, and the market for slave labor was relatively quiet and steady. In 1815 began the "ante-bellum" régime, in which the whole economy of the South was governed by the apparently capricious play of the compound monopoly of cotton and slave labor. The price of cotton was governed by the American output and its relation to the European demand. And the price of slaves was governed by the profits in cotton and the relation of the labor demand to the monopolized labor supply.[1]

For an understanding of slaveholding economics, a careful study of the history of slave prices is essential. Prior to the middle of the eighteenth century, the scarcity of data, the changing value of gold, the multiplicity of coinage systems and the use of paper money with irregular depreciations unfortunately present so many obstacles that any effort to determine the fluctuation of slave prices would be of very doubtful success. For the following periods the study is feasible, although under the best of existing circumstances slave prices are hard to collect and hard to compare. The proportion of the slave population on the market at any time was very much smaller than the student of prices could wish for the purpose of his study; and many of the sales which were made are not to be found in the records. The market classification of the slaves was flexible and irregular; and, except in Louisiana, most of the documents in the public archives do not indicate the classification. To make thoroughly accurate comparison of slave prices at different times and places, we should need to know, among other things, the sex, age, strength and nativity of the slaves; the purity or mixture of blood of the negroes, mulattoes, quadroons, mestizoes, *etc.*; and their special training or lack of it. For such statistical purposes, however, the records have many shortcomings. In many cases they state simply that the slave Matt or Congo or Martha, belonging to the estate of William Jones, deceased, was sold on the date given to Thomas Smith, for, say, $300, on twelve months' credit. Such an item indicates the sex and states the price, but gives

[1] *Cf.* De Toqueville, Democracy in America, vol. ii, p. 233.

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little else. In other instances the slaves are classed as infants, boys, men (or fellows) and old men; girls, wenches and old women. Whole families were often sold as a lot, with no individual quotations given. Women were hardly ever sold separate from their young children. In the dearth of separate sale quotations, any study of the prices of female slaves would have to be based chiefly upon appraisal values, which of course were much less accurate than actual market prices.

The sales made by the professional slave traders were generally recorded each in a bill of sale; but in most of the localities these were not transcribed into the formal books of record, and the originals have mostly disappeared. The majority of the sales of which records are to be found were those of the slaves in the estates of deceased persons. These sales were at auction; and except in abnormal cases, which may often be distinguished, they may be taken as fairly representative of slave prices for the time and place.

There was always a great difference between the values of individual slaves. When the average price of negroes ranged about $500, prime field hands brought, say, $1,000, and skilled artisans still more. At that rate, an infant would be valued at about $100, a boy of twelve years and a man of fifty at about $500 each, and a prime wench for field work at $800 or $900.

The most feasible comparison of prices is that of prime field hands, who may be defined as well-grown, able-bodied fellows, with average training and between eighteen and thirty years of age. To find the current price of prime field hands in lists where no classification is given, we take the average of the highest ordinary prices. We ignore any scattering extreme quotations, as applying probably to specially valuable artisans, overseers or domestic servants, and not to field hands. Where ages are given, we take the average of the prices paid for grown fellows too young to have received special training. We leave aside, on the other hand, the exceptionally low quotations as being due to infirmities which exclude the slave from the prime grade. The professional slave traders in the domestic traffic dealt mostly in "likely young fellows and

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wenches." In the quotations of the sales by these traders, when no details are recorded, we may assume that the average, except for children, will range just a little below the current rate for prime field hands.

In view of all the hindrances, the production of a perfectly accurate table of prices cannot be hoped for, even from the exercise of the utmost care and discrimination. The table which follows is simply an approximation of averages made in a careful study of several thousand quotations in the state of Georgia.[1]

The parallel quotations of cotton prices[2] afford a basis for the study of slave-labor capitalization. In examining these quotations it will be noticed that during many brief periods the prices of slaves and cotton rose and fell somewhat in harmony; but that in the whole period under review the price of cotton underwent a heavy net decline, while slave prices had an extremely strong upward movement. The change which took place in the relative slave and cotton prices was really astonishing. In 1800 a prime field hand was worth in the market about 1500 pounds of ginned cotton; in 1809, about 3000 pounds; in 1818, about 3500; in 1826, about 5400; in 1837, about 10,000; in 1845, about 12,000; in 1860, 15,000 to 18,000. In his capacity for work, a prime negro in 1800 was worth nearly or quite as much as a similar slave in 1860; and a pound of cotton in 1860 was not essentially different from a pound of cotton in 1800. But our table shows that within that epoch of three-score years there was an advance of some 1000 or 1200 per cent in the price of slaves as measured in cotton.

[1] The sources used for this tabulation are the documents in the Georgia state archives and the records of Baldwin, Oglethorpe, Clarke and Troup counties, all lying in the Georgia cotton belt, together with bills of sale in private hands, travelers' accounts, and articles in the newspapers of the period. Instances of sudden rise or fall in slave prices and sales of large and noted estates were often reported in the local press, with comments. There is no printed collection of any large number of slave-price quotations.

[2] The cotton price averages are made from the tables given by E. J. Donnell in his Chronological and Statistical History of Cotton, New York, 1872, with the aid of the summaries published by G. L. Watkins, Production and Price of Cotton for One Hundred Years, U. S. Department of Agriculture, Washington, 1895.

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SLAVE AND COTTON PRICES IN GEORGIA

Year	Average Price of Prime Field Hands	Economic Situation and the Chief Determinant Factors	Average N. Y. Price of Upland Cotton	Years
1755.....	£55			
1773.....	60			
1776–1783.	.....	War and depression in industry and commerce.		
1784.....	70	Peace and returning prosperity.		
1792.....	$300	Depression due to Great Britain's attitude toward American commerce.		
1793.....	.....	Cotton gin invented.		
1800[1]. ...	450	.....	30 cents.	1795–1805
1808.....	.....	African slave trade prohibited.		
1809.....	600	Embargo moderates rise in prices.	19 cents.	1805–1810
1813.....	450	War with Great Britain	12 cents.	1813
1818.....	1000	Inflation	29 cents.	1816–1818
1819.....	.....	Financial crisis.....	16 cents.	1819
1821.....	700	Recovery from panic.....	14 cents.	1821
1826.....	800	Moderate prosperity	15 cents.	1824–1827
1827.....	.....	Depression.		
1828.....	700	.....	10 cents.	1827–1828
1835.....	900	Flush times.....	17½ cents.	1835
1837.....	1300	Inflation—crash	13½ cents.	1837
1839.....	1000	Cotton crisis	13½ cents.	1839
1840.....	700	Cotton crisis; acute distress.....	9 cents.	1840
1844.....	600	Depression	7½ cents.	1844
1845.....	.....	Severe depression	5½ cents.	1845
1848.....	900	Recovery in cotton prices. Texas demand for slaves	9½ cents.	1847–1848
1851.....	1050	Prosperity	12 cents.	1851
1853.....	1200	Expansion of cotton industry and simultaneous rise in tobacco prices.[3]	11 cents.	1850–1860
1859.....	1650			
1860[2].....	1800			

[1] The quotations down to this point are lowland quotations. There were very few slaves in the uplands before 1800.

[2] In the later fifties there were numerous local flurries in slave valuations. In central Georgia prime negroes brought $2,000 in 1860, while in western Georgia and central Alabama the prices appear not to have run much above $1,500. For prices in the other parts of the South in that decade, see G. W. Weston, Who are and who may be slaves in the United States, a pamphlet published in 1856. See also Brackett, The Negro in Maryland; Ingle, Southern Sidelights; Hammond, The Cotton Industry, and *De Bow's Review*, vol. xxvi, p. 647.

[3] The rise in tobacco prices and the revival of prosperity in Virginia in this decade tended to diminish the volume of the slave trade and contributed to raising slave prices. *Cf.* W. H. Collins, The Domestic Slave Trade in the Southern States, N. Y., 1904, p. 57.

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The decline in the price of cotton was due in some measure to a lessening of cost, through improvements in cultivating, ginning and marketing. The advance in slave prices was due in part to the increasing intelligence and ability of the negroes and to improvements in the system of directing their work on the plantations, and also in part to the decline in the value of money. But the ten-fold or twelve-fold multiplication of the price of slaves, when quoted in terms of the product of their labor, was too great to be explained except by reference to the severe competition of the planters in selling cotton and in buying slaves. Their system of capitalized labor was out of place in the modern competitive world, and burdened with that system all the competition of the cotton planters was bound to be of a cut-throat nature. In other words, when capital and labor were combined, as in the American slaveholding system, there was an irresistible tendency to overvalue and overcapitalize slave labor, and to carry it to the point where the financial equilibrium was unsafe, and any crisis threatened complete bankruptcy.

Aside from the expense of food, clothing and shelter, the cost of slave labor for any given period of time was made up of several elements:

(1) Interest upon the capital invested in the slave.

(2) Economic insurance against (a) his death, (b) his illness or accidental injury, and (c) his flight from service.[1] Of course insurance policies were seldom taken out to cover these risks, but the cost of insurance against them must be reckoned in the cost of slave labor for any given period.

(3) The diminishing value of every mature slave by reason of increasing age. Because of the "wear and tear" of his years and his diminishing prospect of life and usefulness, the average slave of fifty-five years of age would be worth only half

[1] Physicians' and attorneys' fees should perhaps be included under the head of insurance. It may be noted that doctors' charges were generally the same for slaves as for white persons. To illustrate how expensive this charge often was, we may cite an instance given in the records of Troup county, Georgia, where Dr. Ware collected from Col. Truitt's estate $130.50 for medicine and daily visits to a negro child, from November 29, 1858, to January 5, 1859.

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as much as one of twenty-five years, and after fifty-five the valuation decreased still more rapidly. In computing the cost of any group of slaves it will be necessary to set over against this depreciation the value of the children born; but, on the other hand, the cost by groups would be increased by the need of supporting the disabled negroes who were not in the working gangs.

(4) Taxation assessed upon the capitalized value of the slaves. In the slaveholding region as a whole, in the later ante-bellum period, the total assessed value of slave property was at least as great as that of all the other sorts of property combined.

The rate of slave hire would furnish a good index of the current price of slave labor year by year, if sufficient quotations on a stable basis could be obtained. But on account of the special needs or wishes of the parties to the individual bargains, there were such opportunities for higgling the rate in individual cases that the current rate is very elusive. The following averages, computed from a limited number of quotations for the hire of men slaves in middle Georgia, are illustrative: In 1800, $100 per year; in 1816, $110; in 1818, $140; in 1833, $140; in 1836, $155; in 1841, $140; in 1860, $150. These were in most cases the years of maximum quotations in the respective periods. The local fluctuations in short periods were often very pronounced; but in the long run the rate followed a gradual upward movement.

The relation between the price of slaves and the rate of their hire should theoretically have borne, in quiet periods, a definite relation to the rate of interest upon capital; but the truth is that in the matter of slave prices there was, through the whole period after the closing of the African trade, a tendency to "frenzied finance" in the cotton belt. Slave prices were largely controlled by speculation, while slave hire was regulated more largely by the current rate of wages for labor in general. The whole subject of these relations is one for which authentic data are perhaps too scanty to permit of thorough analysis.

Negro slave labor was expensive, not so much because it

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was unwilling as because it was overcapitalized and inelastic. The negro of himself, by reason of his inherited inaptitude, was inefficient as a self-directing laborer in civilized industry. The whole system of civilized life was novel and artificial to him; and to make him play a valuable part in it, strict guidance and supervision were essential. Without the plantation system, the mass of the negroes would have been an unbearable burden in America; and except in slavery they could never have been utilized, in the beginning, for plantation work. The negro had no love of work for work's sake; and he had little appreciation of future goods when set over against present exemption from toil. That is to say, he lacked the economic motive without which voluntary civilized industry is impossible. It is a mistake to apply the general philosophy of slavery to the American situation without very serious modification.[1] A slave among the Greeks or Romans was generally a relatively civilized person, whose voluntary labor would have been far more productive than his labor under compulsion. But the negro slave was a negro first, last and always, and a slave incidentally. Mr. Cairnes and others make a great mistake when they attribute his inefficiency and expensiveness altogether to the one incident of regulation. Regulation actually remedied in large degree the disadvantages of using negro labor, though it failed to make it as cheap, in most employments, as free white labor would have been. The cotton planter found the negro already a part of the situation. To render him useful, firm regulation was necessary. The forcible control of the negro was in the beginning a necessity, and was not of itself a burden at any time.[2]

[1] Palgrave's Dictionary of Political Economy contains an excellent article upon slavery, in which it is indicated that harshness and compulsion were not always essential in slave labor; that the motive force was often a sort of feudal devotion to the master; and, further, that negro slave labor was practically essential for developing the resources of the hot malarial swamp regions.

[2] The current rate of hire to-day for negro workmen in agriculture in Georgia is from $8 to $12 per month; but for the year 1904, the state of Georgia leased out its able-bodied convicts at an average rate of $225 per year. When under strict discipline, the average negro even to-day, it appears, is worth twice as much as when left to his own devices.

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In American slaveholding, however, the capitalization of labor-value and the sale and purchase of labor-control were permanent features; and when the supply was "cornered" it was unavoidable that the price should be bid up to the point of overvaluation.[1] And this brings us to the main economic disadvantage of the system.

In employing free labor, wages are paid from time to time as the work is done, and the employer can count upon receiving from the products of that labor an income which will enable him to continue to pay its wages in the future, while his working capital is left free for other uses. He may invest a portion of his capital in lands and buildings, and use most of the remainder as circulating capital for special purposes, retaining only a small percentage as a reserve fund. But to secure a working force of slaves, the ante-bellum planter had to invest all the capital that he owned or could borrow in the purchase of slaves and lands;[2] for the larger his plantation was, within certain limits, the more economies he could introduce. The temptation was very strong for him to trim down to the lowest possible limit the fund for supplies and reserve. The slaveholding system thus absorbed the planter's earnings; and

[1] In the periods of high slave prices employers found that slave labor was too expensive to be used with profit except in plantation industry under the most favorable circumstances. Striking proof of this is to be seen in the eager employment, wherever they could be had, of Irish and German immigrants for canal and railway building, ditching and any other labor which might prove injurious to a negro's health and strength. Slaves were growing too dear to be used. W. H. Russell (My Diary North and South, Boston, 1863, p. 272) writing of the Louisiana sugar district in 1860, says: "The labor of ditching, trenching, cleaning the waste lands and hewing down the forests, is generally done by Irish laborers, who travel about the country under contractors, or are engaged by resident gangsmen for the task. Mr. Seal lamented the high prices for this work; but then, as he said, 'It was much better to have Irish do it, who cost nothing to the planter, if they died, than to use up good field hands in such severe employment.'" The documentary evidence in regard to the competition and rather extensive substitution of immigrant labor for that of slaves in the times of high slave prices is quite conclusive, in spite of its fugitive character. Further data may be found in *DeBow's Review*, vol. xi, p. 400; *Harper's Magazine*, vol. vii, pp. 752 *et seq.*; Sir Chas. Lyell, Second Visit to the United States, vol. ii, p. 127; Waddell, Annals of Augusta County, Virginia, pp. 272, 273; and the James River and Kanawha Canal Company's fourth annual report, Richmond, 1839.

[2] *Cf.* F. L. Olmsted, A Journey to Texas, pp. 8–10.

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for such absorption it had unlimited capacity, for the greater the profits of the planters the more slaves they wanted and the higher the slave prices mounted. Individual profits, as fast as made, went into the purchase of labor, and not into modern implements or land improvements.[1] Circulating capital was at once converted into fixed capital; while for their annual supplies of food, implements and luxuries the planters continued to rely upon their credit with the local merchants, and the local merchants to rely upon their credit with northern merchants and bankers.

Thus there was a never-ending private loss through the continual payment of interest and the enhancement of prices; and, further, there was a continuous public loss by the draining of wealth out of the cotton belt by the slave trade.[2] With the

[1] This was lamented by many planters, especially in times of low staple prices. *Cf. Southern Agriculturist*, published at Charleston, 1828, vol. ii, p. 1 *et passim;* and especially an address by Dr. Manly before the Alabama State Agricultural Society, Dec. 7, 1841, published in the *Tuscaloosa Monitor*, April 13, 1842. (File in the Alabama State Department of Archives and History.)

[2] This injurious effect of the slave traffic is strikingly illustrated in the account by a Charleston bookseller, E. S. Thomas, of the misfortunes which befell his business by the reopening of the South Carolina ports to the foreign slave trade in 1803. Thomas had found the business opportunities in Charleston exceedingly good; and for some years he had been annually doubling his capital. But in November, 1803, he had just opened a new importation of fifty thousand volumes, when news came from Columbia that the legislature had opened the ports to the slave trade. "The news had not been five hours in the city," he writes, "before two large British Guineamen, that had been lying on and off the port for several days expecting it, came up to town; and from that day my business began to decline.....A great change at once took place in everything. Vessels were fitted out in numbers for the coast of Africa, and as fast as they returned their cargoes were bought up with avidity, not only consuming the large funds that had been accumulating but all that could be procured, and finally exhausting credit and mortgaging the slaves for payment.....For myself, I was upwards of five years disposing of my large stock, at a sacrifice of more than a half, in all the principal towns, from Augusta, in Georgia, to Boston." E. S. Thomas, Reminiscences, vol. ii, pp. 35, 36.

The same general phenomena were observed in various other parts of the South, as is shown by the following extract from a letter written August 22, 1774, by one John Brown, a citizen of Virginia, to William Preston: "Some time ago you told me that you intended to enter the servant trade, and desire[d] me to tell if there was any encouragement our way for the sale of them. I think there is none, for these reasons: (1) the scarcity of money; (2) servants are plenty and everyone has as many as they want; besides, the country is sunk in debt by them already. If you

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stopping of the African slave trade, the drain of wealth from the lower South was not checked at all, but merely diverted from England and New England to the upper tier of southern states; and there it did little but demoralize industry and postpone to a later generation the agricultural revival.

The capitalization of labor lessened its elasticity and its versatility; it tended to fix labor rigidly in one line of employment. There was little or no floating labor in the plantation districts; and the planter was obliged to plan in detail a whole year's work before the year began. If he should plant a larger acreage than his "force" could cultivate and harvest, a part of the crop would have to be abandoned, unless by chance some free negro or stray Irishman could be found for the odd job. As an illustration of the financial hardships which might befall the slaveholder, it may be noted that in 1839 William Lowndes Yancey happened to lose his whole force of slaves through poisoning in the midst of the working season. The disaster involved his absolute ruin as a planter, and forced him to seek some other opening which did not require the possession of capital.[1]

In the operations of cotton production, where fluctuating and highly uncertain returns demanded the greatest flexibility, the slaveholding system was rigid. When by overproduction the price of cotton was depressed, it could be raised again only by curtailing the output in the American cotton belt, which had the monopoly. But the planter, owning cotton lands and slaves trained in the cotton field alone, found it hard to devote his fields with success to other crops or to sell or lease his negroes to any one else, for no one else wanted them for any other purpose than cotton production. In fact, the proportion of the southern resources devoted to cotton production tended always to increase. To diminish the cotton output required the most heroic efforts. As a rule, the chances of heavy gains

have not as yet engaged, I think it not prudent for you to do it at the present juncture; you have business enough upon hand, but these things you can better think of than I can." Original MS. in Wisconsin Historical Society, Draper Collection, series QQ, vol. iii, no. 81.

[1] G. W. DuBose, Life of Wm. L. Yancey, p. 39.

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from cotton planting outweighed those of loss, in the popular estimation; and the strong and constant tendency was to spoil the market by over-supply.

There were uncertain returns in cotton raising, and great risks in slave-owning. The crop might be heavy or light in any year, according to the acreage and the weather, and prices might be away up or away down. A prime slave might be killed by a rattlesnake or crippled in a log-rolling or hanged for murder or spirited away by the underground railroad. All these uncertainties fostered extravagance and speculation.

In the cotton belt inflation and depression followed each other in rapid succession; but the times of prosperity brought less real advantage and periods of depression caused greater hardship in the slaveholding South than in any normally organized community. For by the capitalizing of labor, profits were generally absorbed through the purchasing of additional slaves at higher prices, while in time of need the cotton-planter found it impossible to realize upon his investment because his neighbors were involved in the same difficulties which embarrassed him, and when he would sell they could not buy.

When after the peace in 1815 the system of industry and finance of the ante-bellum South had fully developed itself, the South and its leaders were seized in the grip of social and economic forces which were rendered irresistible by the imperious laws of monopoly. The cotton-planters controlled the South, and for some decades they dominated the policy of the federal government; but the cotton-planters themselves were hurried hither and thither by their two inanimate but arbitrary masters, cotton and slavery.

Cotton and slavery were peculiar to the South, and their requirements were often in conflict with the interests and ideas prevailing in the other parts of the United States. As that conflict of interests and sentiments was accentuated, it became apparent that the South was in a congressional minority, likely to be overridden at any time by a northern majority. Ruin was threatening the vested interests and the social order in the South; and the force of circumstances drove the southern politicians into the policy of resistance. To the leaders in the

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South, with their ever-present view of the possibility of negro uprisings, the regulations of slavery seemed essential for safety and prosperity. And when they found themselves about to become powerless to check any legislation hostile to the established order in the South, they adopted the policy of secession, seeking, as they saw it, the lesser of the evils confronting them.

Because they were blinded by the abolition agitation in the North and other historical developments which we cannot here discuss, most of the later generation of ante-bellum planters could not see that slaveholding was essentially burdensome. But that which was partly hidden from their vision is clear to us to-day. In the great system of southern industry and commerce, working with seeming smoothness, the negro laborers were inefficient in spite of discipline, and slavery was an obstacle to all progress. The system may be likened to an engine, with slavery as its great fly-wheel—a fly-wheel indispensable for safe running at first, perhaps, but later rendered less useful by improvements in the machinery, and finally becoming a burden instead of a benefit. Yet it was retained, because it was still considered essential in securing the adjustment and regular working of the complex mechanism. This great rigid wheel of slavery was so awkward and burdensome that it absorbed the momentum and retarded the movement of the whole machine without rendering any service of great value. The capitalization of labor and the export of earnings in exchange for more workmen, always of a low degree of efficiency, together with the extreme lack of versatility, deprived the South of the natural advantage which the cotton monopoly should have given. To be rid of the capitalization of labor as a part of the slaveholding system was a great requisite for the material progress of the South.

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IMMIGRATION TO THE SOUTHERN STATES

AT the present time a paper on immigration to the South must be a study of conditions and tendencies rather than of definite results.

Until the early 80's the southern people desired no immigration either from the North or from foreign countries. There were many reasons for this sentiment. Before the Civil war the agitation of the slavery question served to unite the southern people in a general dislike of outsiders; the war left behind it bitter feelings which made the immigration of desirable persons impossible; and the rule of the carpetbagger during Reconstruction increased the prejudice of the average southerner against men from the North. The former slaveholders—the old planting class—preferred negro labor to white; railroad companies and other employers of gang labor feared strikes and other complications if white workmen were brought in; and back of these concrete considerations there was a general desire to keep the southern white stock pure, with no admixture of foreign blood, and to hold fast to the old southern philosophy of living, which would have been disturbed by the advent of numbers of foreigners, strangers to the traditions and customs of the South.

On the other hand, northerners and foreigners had as little desire to go South as had the South to receive them. Foreign immigrants and northerners in search of homes passed the South by and went to the West, where they were welcomed. On the part of many home-seekers there was a dislike and fear of the black population, as constituting a social and economic danger; on the part of others there was a dislike of the whites as former slaveholders. The troubles of the Civil war and Reconstruction caused the better class of home-seekers to prefer the West. Land was cheaper in the West, or at least the immigrants thought so. Those persons from the North who went South from 1865 to 1870 expecting to make fortunes by planting cotton invariably failed, and their failure made capital dis-

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trustful and business opinion hostile. Laborers and artisans were in demand in the mills and factories and on the railroads of the North. The main lines of the railways ran to the West, and each road had a very efficient immigration service. From the agents of these roads and from northern opinion the immigrants learned much about the advantages of the West and a good deal about the disadvantages of the South. When the South first began to invite immigration it was found that the southern states were regarded very unfavorably by immigrants. They had heard from unfriendly critics of the South that the climate was too hot for white men; that the water was bad and malarial fever common; that the southern whites were lazy and proud, living upon the toil of the black and believing that it was not honorable to engage in manual labor; and that both races were so lawless that it was not safe to live among them. There was a notion that negroes abounded everywhere in the South, that no place was free from them, and that any one who worked at manual labor, especially if he worked with a negro, would be socially ostracized. The schools and churches were said to be very poor; and some were afraid of mixed schools. The general opinion was that cotton was the only crop that could be grown. Accordingly foreign immigrants were hurried West, as soon as they arrived, by the immigration agents of the railroads, and later comers preferred to go where others of their kindred and nationality had gone before them.

The result was that the foreign element remained insignificant in the South. The census statistics for 1900 show that the entire South, including the old border states, had only about 620,000 inhabitants of foreign birth—six per cent of the foreign-born population of the United States. Michigan had as many foreign-born, New York three times as many. In five of the great producing states—Georgia, Alabama, Mississippi, North Carolina and South Carolina—out of a total population of 8,830,424, of whom 4,122,540 were negroes, the foreign-born element numbered 44,996, or about as many as in Vermont, which had a total population of only 343,641.

If the exchange of population among the states be taken

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into account, the disadvantageous results for the South are equally striking. Since the Civil war the South has sent to the North and West about 2,500,000 whites, and has received from all parts in return less than half as many. Georgia alone sent out to other states 412,000 and received 190,000, a net loss of 220,000. In 1900, 307,132 people born in Massachusetts were living in other states, but the loss was more than made up by the immigration of 1,262,257, of whom 415,933 were from other states and 846,324 from abroad. In the same year South Carolina had 234,062 of her sons and daughters living elsewhere, and had received in return only 60,744, of whom 5528 were foreign-born, a net loss of 173,328.

The lack of immigration has left the southern states thinly populated. Alabama has but 35 persons to the square mile; Arkansas, 24; Louisiana, 30; North Carolina, 39; South Carolina, 41; Florida, 9; Texas, 11. On the other hand, New York has 152; Illinois, 86; Ohio, 102; Pennsylvania, 140, and Massachusetts, 349. If South Carolina were as densely populated as Massachusetts, it would have 10,500,000 people.

Such statistics as those above, showing that the southern people are almost entirely native-born and that future generations have unlimited resources still to develop, have been until lately a source of pride. But in recent years, especially within the last ten years, there has been a gradual but marked change of sentiment in the South in regard to the desirability of immigration. The South now wants it and is working hard to get it. Many influences have operated to cause this change. The passions aroused by the Civil war and Reconstruction have somewhat subsided, and the whites feel free to attend to the development of their section. Eastern capital is now sympathetic, and the capitalists who have invested money in the South desire immigration in order to develop the country and make their investments pay. The resources of the South have scarcely been touched, and under the most favorable circumstances it will require many generations to develop them. There are millions of acres of cotton, cane, rice and tobacco lands that have never been cultivated. Louisiana alone has

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19,000,000 acres of vacant land, out of a total of 26,000,000; and it is estimated that not more than one-eighth of the cotton lands of the South are in cultivation. The mineral resources of the South are almost unlimited; it has more timber than any other section of the United States; in every southern state there is water-power never yet used, and there are ideal situations for market-gardening on the largest scale. All these resources are undeveloped and will long remain so unless the population is increased by immigration.

The negro cannot furnish either in quality or in quantity the labor necessary to develop the South. By its lack of initiative and inventive genius the black race has acted as a hindrance to progress. Free negro agricultural labor has in most places, except the Yazoo Delta, proven to be a failure; the fertile lands of the black belt have never again reached the production of 1860; the better wages paid to the negro have simply enabled him to work less—three days a week instead of four. Yet the most fertile land of the South is still in the hands of the negroes, who do not equal in production the white farmers on the poorest land. In 1876 the whites of the cotton states, forming 55.8 per cent of the population, produced 40 per cent of the cotton; the blacks, forming 44.2 per cent of the population, made 60 per cent of the crop. In 1899 the whites, now constituting 59.1 per cent of the population, produced 60 per cent of the crop; the negroes, constituting 40.9 per cent, produced only 40 per cent. Every year the negro produces less, proportionately as well as actually, in agriculture. The educated blacks leave the farms, where they might do well, and turn to other occupations. Many of the best negro laborers have been carried north as strike breakers; others have deserted the fields for work in the mines and lumber camps or on the railroads; many have gone to the cities to earn a precarious living. Agricultural development in the black belt is at a standstill because of the worthlessness of the black and the difficulty of getting more white labor.

The progress of the South since the war has been almost wholly in the white districts. During the twenty years from 1880 to 1900 the white population of the South increased 57.3

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per cent and the negro population 37.5 per cent. During the same period the total value of southern products increased 61.7 per cent, almost all in white counties. Since 1860 the total southern population has increased 60 per cent, while the value of products has increased 250 per cent, the increase being mainly in industries operated by whites. Great numbers of whites have been drawn from the farms into the mills and factories that have lately sprung up. Mr. D. A. Tompkins estimates that in North Carolina 100,000 whites have left the fields for other industries. In South Carolina a similar movement has taken place; and yet for a portion of the year 1904, one-third of the spindles in the state were idle on account of the lack of labor. Every branch of industry is calling for efficient labor which only whites can furnish, and the native whites are not numerous enough to supply the demand. The development of industry in the South has far outrun the increase of population. For example: in 1895, in southern mills, 862,838 bales of cotton were manufactured as against 2,083,839 bales in northern mills; in 1903, southern mills used 2,000,729 bales while northern mills used 1,967,635 bales. Commerce, business, manufacturing and railways have more than absorbed the increase of white population.

After its experience with negro labor the South now turns to the northern and foreign whites to assist in the development of the country. The younger southerner knows of the latent wealth of his country; he wants the profit from it. The negro has failed to assist him, and now he, unlike his father, the ex-slaveholder, is anxious to find a substitute for the negro. Many southerners have visited the North and observed the superiority of white labor. Northern men who have capital invested in the South have no patience with the negro. The railroad authorities know that satisfactory dividends cannot be expected until the country is more thickly settled and is developed by the varied industries which the white immigrant and the northern capitalist will bring. Some manufacturers have mills in New England and also in South Carolina. The future seems to be with South Carolina, and therefore they are friendly to immigration. With the present labor supply the

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South has about reached the limit of cotton production though the demand for cotton is increasing. Consequently makers of cotton goods encourage immigration, because it means to them a more certain supply of cotton at a reasonable price. Likewise the cotton planters are interested in averting any danger of a cotton famine, for this would force Europe to grow cotton in Asia and Africa with peons and coolies as laborers, and such development would destroy the Southern monopoly of cotton growing. Improved methods among white farmers have resulted in a constantly increasing quantity of cotton produced per capita. To gather future large crops additional labor must be had, unless a cotton picker be invented. White immigration is looked forward to by some as a solution of the race problem. In parts of the country thousands of white farmers have moved away from their farms to villages and towns, because they do not feel safe with their wives and daughters in the midst of the black population. For these many reasons the South now wants white immigration.

And within the last few years northerners and foreigners have shown an increasing willingness to settle in the South. There are several influences back of this change of opinion in regard to the desirability of the South as a place in which to live. The Northwest is filling up with people and the cheap land is nearly all taken. This is shown by the rush of settlers to each Indian reservation thrown open to settlement, and by the fact that thousands of persons have had to cross over into Canada to find the cheap farms that they expected to find in the West. Prices of farm lands are high in the North and West and rents are in proportion, so that it is practically impossible for the average poor man to look forward to owning his home. Thanks to the efforts of the various southern immigration agencies, more is known about the South, and the unfriendly tales still told find some sceptical listeners. Into each southern state a few northerners have gone and have achieved success; and their example attracts kindred and friends. It is now becoming known that the climate is better in the South than in the Northwest; that lands are cheap and rents are low; that wherever a negro can work white men can do the same; that

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work is deemed honorable; that those who do not like to live near negroes can find great stretches of country where there are only whites; that cotton, rice and tobacco are not the only crops that can be raised; and that there are openings for all kinds of new industries. In consequence the South has begun to attract from the North and West, and even from abroad, an immigration which, as compared with the movement or lack of movement in the past, is very respectable.

This immigration is solicited and encouraged by various agencies in the South: by the state governments, by the railroads, by real estate agents, and by numerous immigration societies, boards of trade and industrial associations. Each southern state has now a bureau of immigration, which in some cases is separately organized, in other cases is connected with the department of agriculture and industries. The efforts of the state authorities are directed not so much toward inducing immigration of laborers as toward securing a class of independent farmers who will do their own work, dispensing with the negro. The state immigration bureaus print and distribute throughout the North and West information of interest to prospective immigrants. Much of this literature is printed in German or in other foreign languages. At the St. Louis Exposition there were numerous state agents to call attention to the advantages of the undeveloped southern states. Speeches by southern members of Congress, welcoming immigration, published as extracts from the *Congressional Record*, are scattered broadcast over the North and West and are sent abroad. Florida sends out lists of state lands, maps of the attractive portions of the state, and beautifully illustrated pamphlets relating to cattle raising, lumbering, fruit and truck growing, fish and game, and winter resorts. Louisiana publishes free information concerning the climate, soil, resources, industries, schools and churches, and sends out lists, with descriptions and prices, of 6,000,000 acres of land for sale. The other southern states follow much the same methods. South Carolina officially encourages immigration of "white citizens of the United States, citizens of Ireland, Scotland, Switzerland and France, and all other foreigners of Saxon origin." This state does not yet officially encourage

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immigration from southern Europe, although between the cotton growers and the rice planters there is a severe competition for labor. Most of the states have representatives in New York and in the West, whose business it is to disseminate information and secure immigration.

The state immigration bureaus have had fair success, though they have been hampered by insufficient appropriations. Louisiana has probably secured the best results. The authorities confine their work principally to the middle West, aiming to attract substantial farmers rather than laborers. Since 1900 many northern farmers have settled in northern Louisiana. In New Orleans, however, the work of the negro roustabouts who loaded and unloaded the steamers at the wharves became so unsatisfactory that whites from the West were brought in to supplant them. South Carolina has secured several settlements of Scotch, Canadians and Germans, and is now trying to secure Scandinavians. Several hundred of the latter have arranged to settle on one tract of land. Captain Lindberg, former Swedish consul at St. Louis and a veteran promoter of immigration, has undertaken to bring 1000 Scandinavian families to South Carolina. In Greenville, South Carolina, where mill labor has been very scarce since the high price of cotton drew native help back to the farms, the problem has been partially solved by the introduction of foreign labor into the mills. A number of factories have secured newly arrived Germans and Poles—three factories as many as twenty-five families each. These immigrants have proved to be satisfactory, both as workmen and as citizens. During the year 1904, the state bureau of South Carolina also settled 204 families of farmers. The authorities estimate that each good farmer is worth $1000 to the state. In North Carolina the desire is to obtain farmers from England and Scotland, and a few families are now arriving each month. In Wilmington, where the negro laborers have proven so unreliable, the preference for north Europeans has given way before necessity, and Italians are being brought in to furnish more efficient labor. Texas has secured colonies of northerners, of Germans and of Italians, and smaller numbers of Japanese rice farmers. Mississippi reports an encouraging

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influx of substantial northern farmers (principally from Illinois, Nebraska, Iowa and Kansas) and of Italian cotton farmers. Alabama has received many northerners, especially in the industries, many Italians also, and enough Germans to Germanize four of the sixty-six counties. In north Alabama whites are displacing negro miners. To Virginia have come some Swedes and Germans, and many farmers from the Northwest. Several counties in the state are gradually passing into the hands of the immigrants. To Hanover county have come 200 families from the West; and in that county industry has been revolutionized, and the native tenants have now learned to "hustle." Maryland secured 4000 very desirable immigrants in one year at an expense of only $15,000. Other southern states have had more or less success in turning toward the South streamlets from the great tide of immigration.

The state authorities have been greatly aided by hundreds of immigration and development societies. Every commercial and industrial body acts also as an immigration society. In Louisiana alone there are more than one hundred; one of them has 700,000 acres of land for sale. The southern industrial associations have recently been planning to bring about a visit from the British Cotton Spinners' Association, believing that a view of the South by the people who are interested in cotton production would tend to make sentiment favorable to immigration. The Shreveport Progressive League secured several factories last year and sold to twenty families of newcomers more than 10,000 acres of land. The Memphis Industrial League was instrumental in founding, during 1904, twenty new industrial establishments, the value of which to the city is estimated at $65,745,000. Cities offer special inducements to newcomers. An Oklahoma town advertises as one of its attractions that its population of 14,000 includes only 150 negroes, and that separate schools are provided for the latter. Other towns state that immigration of blacks is not encouraged, and many of them emphasize the separate school feature. Newspapers issue special homeseeker's editions for distribution by state authorities, real estate agents and railroads. Trade magazines have been useful in calling the attention of business

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men to the opportunities afforded by the undeveloped resources of the South. The most influential journal of this kind in the United States, *The Manufacturers' Record*, has for many years been urging immigration as a partial solution of the economic troubles of the South. The real estate agents of the West are coming to the South as a new field of labor and are bringing with them western methods and experience. They usually work in connection with the railroads. Some real estate agents bring periodically, at their own expense, responsible men from the West who will report to their neighbors upon the desirability of the country. One Tennessee firm has made money by bringing a party down from the Northwest every two weeks. Many of these excursionists have returned to stay in Tennessee.

The "colony" plan has also brought desirable immigrants to the South. Every few days the newspapers publish accounts of the location of colonies of farmers from the North or from abroad. Land companies in the middle West buy large tracts of land in the South and induce colonies to settle upon these purchases. Dunkards sell their high-priced little farms in the West and go south to purchase larger ones. Other religious and socialistic organizations have found homes in the southern states. Some of the best known colonies are: Fitzgerald, Georgia, settled from Indiana; Dudley, Georgia, from Indiana and Ohio; Fairhope, Alabama, from Iowa; Cullman and adjoining colonies in Alabama, by Germans; Independence, Louisiana, by Italians. A branch colony from Fitzgerald is being founded on St. Mary's River near the Florida line, and several thousand northern people expect to follow Mr. Fitzgerald to this new Mecca of homeseekers. In Florida there are many small towns in which the majority of the inhabitants are from the North. The Japanese government recently sent an agent to investigate conditions in the South and to report upon the availability of that section for settlement. A colony of Japanese agricultural students has been established in Florida and another in Texas. The object is to experiment with silk, cotton, rice, tobacco and fruits. A colony of fifty families has secured 67,000 acres of land in Dade

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county, Florida. If results are favorable, more Japanese are to be expected. A colony of Scandinavians has been located at Thorsby, Alabama. In Lauderdale county, Alabama, a German colony purchased land at $10 to $15 per acre; their land now commands $50 to $60 per acre. Three colonies of Dunkards from Indiana, numbering 800 families, settled during 1904 upon 100,000 acres of land in northern Texas. Around nearly every southern city are growing up colonies of northern, German or Italian market gardeners. They come only after they have carefully investigated conditions. Reports sent or brought to other sections by successful colonists are gradually removing baseless prejudices. A Swede who strayed South several years ago returned to the West on a visit. He states that he was welcomed as if he had been lost. His friends had an idea, he said, that the South was beyond the limits of civilization.

But the most potent factors in the immigration movement are the railroads. Each important railroad company has hundreds of thousands of acres of land for sale and wishes to see industries developed along its lines. Until within the last few years the north and south lines have not offered special rates to homeseekers except in colonies. Now, on the first and third Tuesdays in each month, special homeseekers' rates are offered on every railroad east of the Rocky Mountains that runs into the South or Southwest. A twenty-day ticket, sold for one-half the regular price of a round-trip ticket, allows the holder to stop off at every station and gives the prospective immigrant opportunities to look about for a location. These excursions have proved a great success. The Union Station at St. Louis is crowded every other Tuesday with men from the Northwest bound to the South and Southwest. On the night of September 15, 1903, the Iron Mountain road carried out of St. Louis within two hours six special trains with three thousand homeseekers. Hundreds of immigration agents are employed in the West and Northwest by southern railroads. For example: The Missouri Pacific and Iron Mountain system has three hundred such agents; the Southern Pacific has six hundred agents in the middle West; the Nashville, Chattanooga

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and St. Louis has one thousand agents in Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North and South Dakota, Ohio and Wisconsin. Some of these agents are veterans who helped to fill up the West and are now using the same arts to people the South. As inducements to immigrants they offer cheap land, low rents, several crops a year, mild climate, fertile soil, plenty of timber, separate schools for the races and light taxes. The railroads cannot afford to deceive new comers; they are working for the future, for permanent settlements and for increasing settlements. When possible, several representative westerners are sent on passes over the lines to see the land and report to their neighbors. When drought or flood injures the crops in the Northwest, the immigration agent sees to it that the disgusted farmers learn of the advantages of the country along his road in the South. Perhaps he finds a former northwesterner and sends him to his old home on a visit to tell of the country where he lives. Settlers who are already in the South write back and urge their friends to come. The railroads do not expect great returns at first. They proceed on the principle that their best course is to do so well for the first comers that these will send for their relatives and friends.

Believing that the North and West must be educated as to the possibilities of the South, the railroads send out all kinds of literature, including their own, that of the state, and that of immigration societies and real estate agents. Each road has its immigration newspaper, which is widely distributed in the United States, in Canada and in Europe.[1]

On the whole, the roads of the Southeast have had more

[1] The Rock Island system publishes *The Western Trail;* the Louisville and Nashville, *North and South;* the Iron Mountain, *The Arkansas Homestead;* the Southern Railway, *The Southern Field;* the Seaboard Air Line, *The Seaboard Magazine;* the Florida East Coast Line, *The Homeseeker, etc.*

Occasionally the railroad literature takes the form of verse, sent out by the bushel. For the following specimen the Iron Mountain is responsible:

"Forests with game, rivers with fish abound,
Rich vegetation covers all the ground
Spontaneously.
A land of plenty, liberty and law,
Such is the matchless state of ARKANSAS,
Go there and see."

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difficulties to contend with than those of the Southwest. However, the Southern Railway settled 1100 families along its line in 1902, and in 1903 about 2000 families were located on 2,270,018 acres. This road is now reaping the benefits of an intelligent campaign for immigration from the West. Its many small bodies of immigrants at widely separated points have been serviceable in quieting opposition and in causing others to come. In January, 1905, this railway was in correspondence with 35,000 persons who desired to purchase from one acre to several thousand. The Alabama Great Southern road has found that many westerners like to lease land and experiment for a year or two before purchasing. For several years it has been making an average of a 1000 leases a year. Lately, however, the number of leases is decreasing and the number of sales increasing. The Norfolk and Western, which recently began to offer inducements to immigration, now settles from ten to fifty families a month along its lines. Old plantations and improvements are sold to them at cheap rates. The Atlantic Coast Line, in 1903, settled 650 families of fruit growers in Florida and 500 families in Alabama, Georgia and the Carolinas, besides placing several important industries. The Louisville and Nashville reports the sale, in 1903, of 95,702 acres of farm lands and 255,048 acres of mineral and timber lands. Along this road eighty-seven new industrial establishments were set up by newcomers from thirty-one states—principally from Illinois, Wisconsin and Indiana. The other roads of the Southeast have made similar records.

In the Southwest a dozen colonies have been settled on the lands of the Illinois Central, and several other colonies are in process of establishment. Several million acres of land have been sold to homeseekers along this road. In 1904 it settled 1200 Italians, forty per cent of whom became farmers. In Mississippi a colony of Danes was established in the business of dairying. In Louisiana sixty-four Hungarian families were located as market gardeners. Each family bought from twenty to sixty acres of land. A German colony was established in Mississippi and a Swedish colony in Louisiana. In 1904 the Nashville, Chattanooga and St. Louis road reported three times

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as many immigrants as in 1903, and twenty-five times as many requests for information. The Missouri, Kansas and Texas reported 1300 homeseekers per month, thirty-five per cent of whom located. Along this line the truck farms increased in size and value sixty-three per cent in 1904. In addition there was an influx of capital and a notable development of industries. The Kansas City Southern reports that on a select ten-mile strip along its line the population in 1904 was 504,962 as against 304,326 in 1900. Of this increase 116,061 was in the urban population and 84,575 in the rural. The effectiveness of home-seekers' excursions is well illustrated by the results attained in 1904 by the Frisco system. Out of a body of home-seekers numbering 8132, the system located 1508 on the first trip, selling them 164,008 acres of land. A farmer on this line is estimated to be worth $300 a year to the railroad company. The foreign representatives at the St. Louis Exposition were taken by the Frisco system on an observation tour through the Southwest for the purpose of showing the resources of that section. The Japanese were particularly interested in Texas as a rice-growing country. Colonies from Illinois, Iowa and Nebraska have settled along the lines of the Rock Island system. On the lines of the Missouri Pacific and Iron Mountain system 10,000 newcomers have recently found homes, 2000 within the state of Arkansas. The price of land along this road advanced ten to twenty per cent in one year. One small station in the home-seekers' country in Arkansas shipped $75,000 worth of eggs last season, besides vegetables, fruits and poultry. The six hundred agents of the Southern Pacific sold, in a few months in 1903, 2,000,000 acres of land, and have been selling to Westerners since that date at the rate of 100,000 acres per month. Since 1894 this road has sold between Corpus Christi and New Orleans 3,000,000 acres of land, of which 800,000 acres were rice land, to 75,000 settlers from the Northwest. Col. S. F. B. Morse, the head of the immigration department, a veteran of western immigration, has carried more than 25,000 farmers to Texas. This road has also established colonies of Italians, Japanese and "Bohemians"[1] along its line as rice farmers.

[1] The term "Bohemians" is applied to a miscellaneous assortment of nationalities.

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Before the Russian war broke out it had an agent at Kobe, Japan. As an index to the development of this section of the Southwest may be mentioned Crowley in southwest Louisiana. Twenty years ago the place was considered barren and worthless. Land sold for twenty-five cents an acre. A station was established which did not pay expenses. Westerners were persuaded to come, and now there are 7000 people in the town, a dozen rice mills, and 25,000 western farmers, besides the southerners in the country around. In 1902, 13,000 carloads of rice were shipped from Crowley. Land is now worth $30 to $50 per acre. At another Louisiana station the total receipts in 1883 were $875; after immigration, in 1903, the receipts for milk tickets alone in one month amounted to $987.

In connection with the efforts of the railroads to attract immigration from abroad should be mentioned the plan of Commissioner-General Sargent for distributing newly-arrived immigrants. In November, 1904, at a meeting in Birmingham of the immigration agents of the southern railways, a committee was appointed to confer with Mr. Sargent in regard to securing better facilities for receiving immigrants at southern ports. Sargent, however, proposed to establish at Ellis Island, New York city, an information bureau where immigrants might get impartial accounts of the attractions of every section of the country. For several reasons, the southerners interested in immigration have not favored Mr. Sargent's plan. It would involve a discontinuance of advertising abroad and would make necessary a certain amount of government control over the distribution of immigrants. It was feared that the proposed bureau of information would be employed primarily for the purpose of relieving the congested cities of the North with slight regard for the needs of the South. The South has trouble enough in its present race problem, and it decidedly objects to being made the government dumping-ground for undesirable immigrants. It does not want the lower-class foreigners who have swarmed into the northern cities; it wants the same sort of people who settled so much of the West. It is safe to say that no plan involving federal regulation of the distribution of immigrants will be acceptable to the southern states.

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The newcomers from the western states and from western Europe are not mere laborers. They work for themselves on their own holdings. In those parts of the South where unskilled labor is wanted to supplement the work of the blacks, such immigration will not solve the problem. The black belt planter cannot rely upon the labor of the negroes; there are plenty of them, but each year they become less efficient. Two years ago there was a significant demand from many quarters of the black belt for Chinese laborers. One planter complained that he had land sufficient to produce 1000 bales of cotton, but labor enough for only 300. He thought that the exclusion laws could be repealed if the southern states should advocate this policy. It is certain, however, that the South will not tolerate the introduction of large numbers of Chinese or Japanese for fear of possible race complications. The solution seems to be to induce Italians to come in as farm laborers, with the prospect of becoming landowners on a small scale. They have come in larger numbers than other foreigners, and, much to the surprise of all, they have proved successful as laborers on cotton and sugar plantations. The great lumbering companies also are employing them. The north Italian is preferred, but the principal immigration is from southern Italy, Sicily, and the old Papal states. The numbers are constantly increasing. In Louisiana, in 1900, there were 17,000 Italians; in 1904, there were 30,000. In 1904, it was estimated that more than 100,000 Italian farm laborers were working in the southern states of the Mississippi valley. Numbers come from Sicily or from the North to work during the cane-cutting season, and then return to the North or to Sicily. Between New Orleans and Baton Rouge the Italian laborer has largely displaced the negro, and the same is true of many other localities. In Arkansas, Tennessee, Texas and Mississippi there are numbers of Italian farmers and truckers also, notably in the vicinity of Bryan, Houston, Dallas, Galveston, San Antonio, Memphis, Greenville and Friars Point. In Texas they produce rice and cotton; in Mississippi, cotton; in other states they produce various crops. The Italian authorities have investigated conditions in the South, and so has the Society for the Protection of Italian

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Immigrants. Some Italian newspapers in America, such as *Il Vesuvio* in Philadelphia, favor the settling of Italians in the South, where they have opportunities to become independent small farmers. The southern planters fear no troubles from agricultural immigrants. A line of steamers has recently been put in operation between New Orleans and Italy. In late years, Italians have frequently arrived in New Orleans by shiploads—2134 in one week in 1903. The demand from planters for labor on cane and cotton plantations remained, however, in excess of the supply. In 1904 an agent of the White Star line was sent to Naples to arrange for the colonization of 10,000 families along a new railroad controlled by the Rock Island system, between Corpus Christi and Brownsville.

Side by side with negroes, the Italians have proved their superiority as farm laborers. Mr. Dougherty, a planter of Baton Rouge who employs about forty Italian families, states that they are peaceable and more industrious than the negro; that they quickly learn to do unfamiliar work, treat stock better and cultivate their crops more intelligently; that they are more economical and do not rush into debt nor spend their earnings extravagantly. Other planters report that they are good farmers; that they have model farms and well-kept houses and premises; and that they raise everything at home.[1] Near Greenville, Mississippi, is an Italian colony engaged in cotton

[1] Since this article was written, Mr. A. H. Stone, a planter of Greenville, Mississippi, has published a paper on the "Italian Cotton Grower" in the *South Atlantic Quarterly*, January, 1905. He states that "the matter has long since passed the experimental stage," and that the "white man has become the negro's problem." In regard to negro and Italian labor, he says: "It is always difficult to get a negro to plant and properly cultivate the outer edges of his field—the extreme ends of his rows, his ditch banks, *etc.* The Italian is so jealous of the use of every foot for which he pays rent that he will cultivate with a hoe places too small to be worked with a plough, and derive a revenue from spots to which a negro would not give a moment's thought. I have seen them cultivate right down to the water's edge the banks of bayous that had never before been touched by the plough. I have seen them walk through their fields and search out every skipped place in every row and carefully put in seed, to secure a perfect stand. I have seen them make more cotton per acre than the negro on the adjoining cut, gather it from two to four weeks earlier, and then put in the extra time earning money by picking in the negro's field." Compare this with "the spectacle of broken-down fences, patchwork outhouses, half-cultivated fields and garden-spots rank with weeds," where the negro works.

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farming. Each family on twenty acres usually clears on each crop $200 to $300 above expenses. In 1903 twenty families returned to Italy, each family with $400 to $800. Some of them have purchased good homes, intending to remain.

One of the earliest experiments with Italian agricultural labor was in Chicot county, Arkansas, on the Austin Corbin plantation. In 1895, Corbin, a New Yorker, sent an agent to Italy and secured from the former Papal states 500 Italian families who were located on an island in the Mississippi river. The colony was called Sunnyside. The colonists were well treated, the soil was fertile, a school and a church were provided; but the death of Corbin put an end to the sanitary improvements that were being made, and disease appeared. The colony nearly broke up; some of the people formed three other small colonies in Missouri and Arkansas; others went to Louisiana, Mississippi or Alabama, or back to Italy. In 1897, only forty families were left. Since then conditions have improved. About 2000 acres are in cultivation by Italians, whose numbers are increased every year by immigration. The manager states that they are better cotton growers than the negro, but that they have not yet developed the land-owning instinct; they expect to return to Italy. There is no friction between Italian and black; but there is no race mixture. In 1903, the owners of the Corbin plantation advanced to their tenants $4000 to $5000 to send for relatives and friends. The entire loan was repaid out of the fall crop. One man returned to Italy with $8000 in cash, never having worked over thirty acres. He left his family, with supplies for a year, to work his land while he was gone. It was hoped that the thrifty example of the Italians would be an incentive to effort by the negro, but no such result was observed.

At Independence, Louisiana, in 1904, 275 carloads of strawberries, valued at $500,000, were produced by Italian laborers. These colonists have begun to purchase little farms, have good homes and some money in the banks. The younger ones do not expect to return to Italy. A tract of 1600 acres of land in this community sold in 1879 for $1600; in 1904, 200 acres of the same tract sold for $10,400. In the same community other

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pieces of land have risen in value from $1 to $50 per acre within two years. Many planters have substituted Italians for negroes as tenants. The former are not criminal, are prompt to pay debts, and have improved morally as well as materially since they arrived in America. The Italians are mainly from Venice. The community was developed under the supervision of the Illinois Central railroad.

In spite of the inducements offered the number of immigrants is still relatively small. It will be of interest to examine into the causes of the prejudice against the South as a place to live in. In the first place, public opinion in the North is still unfavorable to the South, and this affects the views of home-seekers. Immigration is thought by some to lessen the opportunities for the negro, which is true. The advice given to southerners against the immigration of whites is somewhat curious: the South is warned against such dangers as "the scum of Europe," the tendency of the whites to form labor combinations, a "congested city" problem caused by crowding negroes off the farms, a negro-Latin race conflict, and so on. The South is advised to hold fast to the docile, tractable negro, who works for low wages, never organizes, never strikes, seldom buys land, and who is so well suited to the climate. In short, all the slavery arguments in favor of negro labor are repeated. The prediction is made that the South will be dissatisfied with white labor.

The *Manufacturers' Record* asserts that any strong effort to induce immigration to the South causes a great deal of misrepresentation in northern and foreign journals. The so-called "Ogden movement" has undoubtedly, though unintentionally, done much to misrepresent actual conditions by exaggerating the poverty, illiteracy, intolerance and crime of the South. Unfortunate, also, in this movement is the fact that it is supported most loudly by a few newspapers and individuals in the North that have never been noted for friendly feelings toward things southern. Another manifestation of northern interest in southern problems is found in the agitation against child labor in southern mills. Here manufacturers, philanthropists and labor agitators can meet on common ground. There

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is really no reliable information in regard to the numbers and ages of children employed in southern mills, but it is assumed that there is more child labor than in the northern mills. An outcome of the agitation has been a demand, pushed by a limited number of northern manufacturers, that Congress pass uniform hour and age laws and thus prevent unfair southern competition. Coincident with this demand were the publication of unfavorable accounts of conditions in Carolina mines, written by Marie Van Vorst, and assistance given by Irene Ashby McFadyen, an English agitator, in a crusade in the South against child labor. Miss McFadyen was well received, and something might have resulted from the movement had it not been discovered that she represented the American Federation of Labor. It is feared in some quarters that an extensive immigration to North and South Carolina would make these states formidable competitors to New England in cotton manufacturing. In the matter of immigration, therefore, as in the question of child labor and in that of education, southern manufacturing interests are extremely suspicious of outside interest. Of the serious effect of this agitation on immigration there can be no doubt. The state agent of South Carolina in England and Scotland found that the Van Vorst and McFadyen literature had been widely circulated in order to induce labor not to migrate to the southern mills. The labor organizations there generally opposed emigration to the South. The agent states that he tried to get the newspapers to publish favorable articles about the South, but was sometimes told that "the South had such a bad reputation that they were afraid to publish anything which would tend to induce emigrants to go there." The editors said that they had read many articles about the bad condition of labor in the South, and that never having heard them denied, they supposed them to be true.

The lynching of Italians at New Orleans some years ago has been constantly used since then as an argument against every kind of migration southwards. In particular it has checked the coming of Italians, and prominent Italian newspapers in America have fostered the prejudice against the South. On June 7, 1904, *Die Gartenlaube* of Berlin printed a typical warn-

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ing to German immigrants who were thinking of going to Arkansas, Tennessee, Mississippi or Louisiana, states that have been trying to secure German settlers. This warning was based on information sent from the United States with regard to the swamps, malaria, bad water, excessive heat and bad climate of those states. An old method of condemning the South is still sometimes used: a map is shown which has the entire South printed black and labelled "black belt." The advice accompanying is designed to cause the homeseekers to avoid that section, which is described as a "plague-infested district." There is no doubt that the negro is a bugbear to prospective white settlers. Labor organizations have not been friendly to southern immigration, because of the presence of cheap negro labor and because labor organizations have not yet thriven among the southern whites. There is a widespread belief that the new constitutions of some of the southern states are used to get whites as well as blacks out of politics. It is certain that many people in the North and West who are Republicans in politics (and most of those who come South are Republicans) feel uncertain about the treatment which they are likely to receive in the South. During the presidential campaign of 1904 immigration fell off considerably; after the election it again increased. The New York *Journal of Commerce* recently declared, in discussing the slow migration to the South, that the "stories about the treatment of negroes, the condition of poor whites, the uncertainty of legal protection, social prejudice, political intolerance and the lack of adequate school facilities are not without effect in diverting immigration from the South." Behind all this is, of course, the fundamental fact of the presence of the negro.

There is still some sentiment in the South itself that deters immigration. Some fear cheap labor in the mills, others fear that behind the immigration movement are the foreign manufacturing interests desiring to keep down the price of cotton. A Georgia "mossback" opposed a state bureau of immigration because, he said, it would benefit the railroads; and a Texan objected that "the people now flocking to Texas do not agree with the old settlers, morally, religiously and politically."

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There is no doubt that heavy immigration will result in political changes and re-alignments. The experience of West Virginia during the past ten years proves this point.

In conclusion, it may be said that immigration to the South seldom reaches the black belt. There seems to be a dislike of contact with the negro. Where new comers enter the black belt they go in colonies, settle near the railroad and dispense with the negro. Much of the immigration does not increase the population of a community; it simply displaces the negro. The new settlers, not at first knowing how to cultivate cotton, fortunately never become wholly addicted to the cotton-raising habit, but produce a variety of crops. They send to market vegetables, fruit, poultry, eggs and dairy products. Large farms are not common. Improved implements and up-to-date methods are employed, and the native whites profit by the example.

Compared with the great volume of immigration to the West and North, the numbers that go South are insignificant; but compared with the numbers that went South ten years and more ago, the recent movement is very important. There is plenty of vacant land; and the southerners say that if a million settlers have come and are satisfied, there is no reason why other millions may not come.

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THE SEWAGE FARMS OF BERLIN

TO its laurels as capital, metropolis and chief commercial center, Berlin adds the unusual distinction of being one of the largest landed proprietors and farmers in the German empire. The agricultural holdings of the municipality, 32,727 acres or 51 square miles in all, are now more than double the area of the city itself.[1] To say that Berlin is engaged in farming to this great extent "for its health" is no merely flippant expression, but the exact truth. A brief comparison with the conditions of thirty years ago will not only make this plain, but will also serve to show how fully the city has succeeded in its purpose.

In 1874 the sanitary condition of Berlin was more worthy of the eighteenth than of the nineteenth century. Open gutters, deep enough in places to deserve the name of ditches, were to be found throughout the greater portion of its built-up territory. Through these gutters the liquid filth of houses and streets, or rather such part of it as did not soak into the soil, found its way sluggishly into the river Spree. At places where danger threatened, rude coverings of timber or stone had been provided, with the result that the ditches beneath were made difficult of access and speedily became the worst plague-spots in the city.[2] As early as 1860 the consequences of such unsanitary conditions had been recognized officially, and during the succeeding decade various reform plans were discussed with more vigor than fruitfulness. Then came the Franco-Prussian war, at the end of which Berlin, suddenly elevated to the rank

[1] Verwaltungsbericht des Magistrats zu Berlin für das Etatsjahr 1902, no. 41: Bericht der Deputation für die städtischen Kanalisationswerke und Rieselfelder, p. i. This report covers the operations of the sewerage system and sewage farms for the year that ended March 31, 1903. Statistics quoted in the present article and not referred to any other source are taken from this or earlier reports of the same commission.

[2] Henry Vitztelly, Berlin under the New Empire (1879), vol. i, p. 15; Bericht über die Gemeindeverwaltung der Stadt Berlin in den Jahren 1861 bis 1876, zweites Heft, p. 125–128.

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of a world city, began to grow with Chicago-like rapidity. Under the pressure of increasing population the inadequacy of existing sanitary arrangements became alarmingly manifest. It was generally recognized that nothing short of the most sweeping reforms, speedily carried out, could provide for the magnificent future before the now imperial city.

At this crisis Berlin was fortunate in the possession of two great masters of sanitary science, Rudolph Virchow and James Hobrecht. Virchow's fame as the foremost pathologist of the century was even then world-wide. In the midst of scientific investigations imposing an almost incredible burden of work he found time to serve his country as legislator in Reichstag and Landtag, and his city in the humbler but no less useful capacity of councilman. His epoch-making report to the Berlin council in 1872 laid bare with unflinching hand the sanitary dangers of the city's condition and demonstrated the absolute necessity of action. Virchow was able to show, for instance, that in the three periods of five years each preceding his report the general mortality of the city had advanced in the ratio of 5, 7 and 9. Nothing in existing conditions warranted the belief that the coming lustrum would not show a death-rate at least twice as great as that of the first period of five years. Indeed, the mortality of children had more than doubled within the preceding period of fifteen years, the ratios being as 5, 7 and 11.[1] During the years 1870, 1871 and 1872, the general death-rate of the city was 33.16, 40.44 and 33.28 per thousand, and from typhoid fever alone 7.7, 9 and 14 per ten thousand inhabitants.[2] These figures fitly reflect what was taking place within the metropolis —an increasing population crowded in unsanitary houses, a growing accumulation of dirt in the streets and squares, an ever greater amount of liquid filth running or soaking through the city's open gutters, a progressive poisoning of the sub-soil, and the defilement of the river Spree to the ultimate pollution of the sources of the city's water supply.

[1] James Pollard, A Study in Municipal Government: The Corporation of Berlin (1893), p. 35.

[2] Statistisches Jahrbuch der Stadt Berlin. Jahrgang xxvii, p. 88; Erläuterungen z. d. Modell v. d. Rieselfeld-Anlagen d. Stadt Berlin, p. 8.

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Among the various plans proposed, Virchow's report favored that of the distinguished sanitary engineer, James Hobrecht. As early as 1860 the latter had been appointed member of a royal commission for the study of Berlin's sewage problem. In this capacity he had visited France and England as well as many German cities. Upon his return he undertook an exhaustive investigation of the conditions peculiar to Berlin.[1] The result was a plan, complete to the minutest detail, for the creation of pumping stations and sewage farms on a scale which made all earlier efforts of a similar character sink to the rank of mere experiments. Early in 1873 the city council accepted this plan, and Hobrecht immediately began to put it into execution. Starting in that year without a mile of what could properly be called underground sewers, before the end of 1876 the city had laid pipes connecting with 1000 lots. This number was increased to 7500 in 1880 and to 20,000 in 1890, by which time the whole city had been provided with a fairly complete network of sewers. Subsequent additions, due largely to the growth of the city, bring the total number of lots connected up to 28,000. The acreage of the sewage farms was necessarily extended with the growth of the sewerage network, until at present the municipality is in possession of seven large estates forming two fairly compact areas lying to the northeast and southwest of the city.

Twenty years from the installation of this new system of sewage disposal, Berlin had become one of the healthiest large cities in the world. The high general death-rates of the early seventies had fallen in 1894 to the very moderate figure of 21 per thousand, while typhoid was claiming only one per

[1] The results of the early studies of Hobrecht and other experts, among whom should be mentioned Virchow, Liebreich, Müller, Röder, Werner, Dünkelberg, Gerlach, Kunth and Lossen, may be found in the valuable collection entitled Reinigung u. Entwässerung Berlins; Einleitende Verhandlungen u. Berichte über mehrere auf Veranlassung d. Magistrats d. kgl. Haupt- u. Residenzstadt Berlin angestellte Versuche u. Untersuchungen (Berlin, A. Hirschwald, 1879). Hobrecht's later work describing the sewerage system after its completion is entitled Die Canalisation von Berlin (Berlin, Ernst u. Korn, 1884). It is the great authority on the technical side of the subject, and is supplemented by an atlas in large folio containing 57 tables illustrating the details of the system.

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10,000 annually between 1890 and 1893. Not all the vast sanitary improvement indicated by these figures can be attributed to the new method of sewage disposal alone. Municipal management of the water-works from 1873 on, better methods of street cleaning, the abolition of dark and damp cellar-dwellings and, in general, more vigorous sanitary inspection undoubtedly contributed to the marked betterment of hygienic conditions. It must be admitted, however, that prior to 1893 the chief factor in the improved health of the city was the new sewerage system. M. Durand-Claye is authority for figures published in 1885 and representing the transition period, according to which there was one case of typhoid fever to every 9.3 houses, and one death from that cause to every 43 houses in the non-sewered districts of the city. In the sewered sections at the same time there was but one case to every 49.3 houses, and one death to every 137.5 houses.[1]

In 1893 Berlin secured new sources and began the installation of a greatly improved water supply system. The subsequent considerable decrease of the general death-rate and the reduction of the typhoid death-rate until at present it is only one-half of what it was ten years ago are more clearly attributable to this cause than to accompanying improvements and extensions in the sewage-disposal plant. Both causes, however, are undoubtedly operative to-day in keeping Berlin in the front rank, if not at the head, of metropolitan cities so far as sanitary conditions are concerned. Comparisons are proverbially odious, yet Chicago may perhaps forgive one to her disadvantage in exchange for an admission that she will probably soon outstrip Berlin in the race for population. In 1900 Chicago was in full enjoyment of the sanitary advantages accruing from the construction of the drainage canal and the disposal by this means of a large part of the city's sewage. How great these advantages were may be inferred from the fact that her typhoid death-rate for the years 1900, 1901 and 1902 was about one-fourth what it had been ten years earlier. Nevertheless Chicago's deaths from typhoid fever in these three years num-

[1] *Engineering News*, vol. xiv, p. 241 (Oct. 17, 1885).

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bered 337, 509 and 801 respectively. For the same years Berlin lost only 109, 88 and 52 lives by this disease.[1]

The sewage-disposal plant, which thus stands a monument to the beneficent genius of Virchow and Hobrecht, is divided into two parts—the so-called radial systems in the city and the *Rieselfelder*, or sewage farms, lying at a distance of from two to eight miles from its periphery. Berlin, it should be explained, is located in the midst of an extensive sandy plain, a fact favorable enough so far as sewage cultivation itself is concerned, but presenting certain difficulties in the earlier stages of the work. The monotonous level of the city's floor necessitated its division into numerous districts, in order that the collection of sewage by gravity might be possible. There are some countervailing advantages in this arrangement, chief among which is that an accident in one radial system affects only a small part of the city. The cost of operation, however, is materially enhanced by the necessity of duplicating pumping-stations to force the sewage to the farms through pipes "radiating" from each district. There are at present twelve such districts or radial systems. Parts of three of these, however, represent territory lying in Charlottenburg and other suburbs, the sewage of which is disposed of at a fixed rate by the Berlin plant.

At approximately the lowest point of each of the twelve radial systems a pumping-station is located, to which pipes converge from all the baths, sinks, closets, drains, gutters and factories of the district. A visitor to one of these pumping-stations, expecting to find it the sink of all the abominations of a great city, will be most agreeably surprised. Instead, he will see prim walks, every brick of which might be used forthwith for scouring; tiny, well-kept flower beds bordering bits of close-cropped lawn; a neat cottage which serves as the official residence of the chief engineer of the station, and other smaller buildings containing lockers, baths, eating-rooms and rooms for the drying of clothes—everything in fact that can contribute to the comfort and cleanliness of the workmen. Towering

[1] Statistisches Jahrbuch d. Stadt Berlin, Jahrgang xxvii, pp. 103–111; Statistics of Cities, Bulletin of the Department of Labor, nos. 30, 36 and 42.

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over all else in the enclosure is the massive structure sheltering the boilers, engines and pumps.

Descending into the sand-tank, the contrast with the cleanliness above strikes one forcibly enough. This is an enormous circular cistern nearly forty feet in diameter, into which the grand trunk sewer of the district empties its volume of gray, heavy, dully glistening fluid. The sand-tank is divided into two equal parts by an iron grating, the bars of which are separated by spaces of three-fifths of an inch. Owing to the size of this cistern the velocity of the flow of sewage is lessened on entering it, which permits the deposit of sand held in suspension. The bars of the grating catch and hold occasional rags, bits of paper, leaves of vegetables and other substances which might cause damage to the pumps. On a platform raised a few inches above the level of the sewage in the tank, a workman armed with pitchfork and shovel is constantly employed in removing the deposit of solid matter which is later carried off and burned with the city's garbage.

After passing through the bars of the sand tank the sewage is ready for the pumps. These are of enormous strength, capable of forcing the daily volume of the city's sewage, through cast-iron pipes thirty to forty inches in diameter, to the farms distant from six to sixteen miles and elevated from sixty-five to a hundred feet about the level of the city's floor. During the year ending May 31, 1902, the pumps of the twelve radial systems forwarded 83,721,323 cubic meters of sewage. The daily average of that year, about three hundred thousand cubic yards, would be sufficient to flood Central Park in New York to a depth of two and three-quarter inches. In periods of heavy rainfall very much larger quantities are pumped within twenty-four hours. At such times it is occasionally found necessary to allow part of the water clogging the sewers to escape into the Spree and its tributaries. This admitted defect of the system is due to an over-careful economy in installing the sewerage network, as a result of which some of the pipes were made too small for efficient service in a great emergency. In defence of the practice it is pointed out that the vents for the escape of the superabundant water are located at the top of the sewers, and

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that in consequence of this arrangement only a very small percentage of the heavier excrementitial matter escapes with the overflow into the river. Fortunately the necessity of resorting to this dangerous device occurs rarely, and then usually lasts for a very short time.

The mains leading from the various pumping stations carry the sewage to the highest levels of the farms. Standpipes located at these points indicate the height and pressure of the fluid in the mains upon a scale outside, to the moving pointer of which a lantern is attached by night. Watched constantly by the foremen of the fields, this device serves to show when and in what quantities the sewage must be used. From the standpipe radiate networks of smaller pipes which carry the water to every part of the fields to be irrigated.

Of the total area of agricultural land owned by the city, slightly more than half, or about 17,000 acres, have been prepared for sewage farming. Part of the remainder is represented by recent acquisitions not yet adapted for irrigation and still under ordinary cultivation. The rest consists mostly of timber and waste land, roads and waterways. Preparation of the farms for sewage irrigation is a task of considerable magnitude. In its former state the land possessed hardly anything that could properly be called soil. The fields were nothing more than slightly rolling tracts of sand or very sandy loam of an average depth of between forty and sixty inches. An American farmer would not give a second look to such land, a French-Canadian would pass it with a shrug, and even a sand-hiller of the South would scorn to squat on it. Only by the most careful cultivation and the use of large quantities of artificial fertilizer were the original holders able to make it productive. Beneath the superficial layer of sand is a substratum of impervious clay. A sandy or gravelly soil is in general the most favorable for sewage farming, but in this case the depth of sand was hardly sufficient to prevent accumulations of foul fluids to such an extent as to render the land marshy and sour. This would have destroyed growing vegetation and threatened the health of the whole neighborhood. Consequently it was deemed necessary to provide at heavy expense a complete system of underdrainage.

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The fields to which the sewage is applied are of two kinds, sloping and level. Comparatively little grading is required for the former; the chief inequalities of the surface are smoothed down, tiles are provided, and an open ditch is dug along the highest side of the field. This is filled to overflowing with sewage, which trickles down the incline and is absorbed. Such sloping fields are used for the most part as meadows. Italian rye-grass, the most successful of all sewage plants, is the principal product. On many of the better fields of the Berlin farms six or seven cuttings are taken annually, and the average yield per acre on the land used for this crop is twenty-two tons of grass of excellent quality per year, a marvellous result considering the nature of the soil.[1]

The level fields are graded until they are almost perfectly horizontal or are laid out in terraces—a tedious and costly operation, which, however, is somewhat facilitated by the sandy character of the soil. After having been smoothed off they are divided into tracts of an acre or less, each of which is still further subdivided into narrow strips or beds. A complete system of irrigation ditches large and small brings the sewage into contact with the sides of the beds. In no case is it allowed to touch directly the growing vegetation of the level fields. The sewage filters into the beds from the sides and reaches the roots only. In order that this action may be effective, the width of the beds is strictly limited, being ordinarily only forty inches. Considering the original character of the soil, a truly remarkable array of vegetation is brought forth luxuriantly on the level fields. Of grains there are wheat, rye, barley, oats, corn and rape seed; of vegetables, potatoes, beets, carrots, radishes and particularly every variety of cabbage dear to the heart of the *Hausfrau;* of fruits, strawberries, currants, gooseberries and raspberries. Medicinal herbs, hemp and nursery seedlings are other products. Roses whose exquisite scent strangely be-

[1] The grass is sold as it lies on the field immediately after being cut, bringing from 40 to 60 pfenninge per double hundred-weight in this form, or about $1.00 to $1.50 per ton. Owing to the large proportion of water contained in rye-grass, its conversion into hay is economically impossible, a fact which naturally detracts greatly from its value. *Cf.* J. W. Slater's Sewage Treatment, Purification and Utilization (London, 1888), p. 49.

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lies their nurture are sold at good prices to Berlin florists by the enterprising gardeners of the sewage farms.

Owing to the small size of the beds in the level fields a large part of the work of cultivating them must be done by hand, or as the Germans somewhat more correctly say, "by the spade" (*Spatenkultur*). Most of the laborers live directly on the sewage farms, which have a permanent population of this character numbering about 3000, of whom 2100 are adults. Whenever necessary, as in harvest time, other laborers are temporarily employed, the men receiving from one and a half to two and a half marks, and the women eighty pfennigs to one mark a day. The permanent force is paid at even lower rates, but the difference is more than made up by the free rental of cottages, payments in kind and the privilege of cultivating small pieces of ground. Skilled workers, such as nurserymen and foremen, get two and three marks a day. The piece-work method is often employed, and under it the men are said to earn from twenty to fifty per cent. more.[1] Taking into consideration the great amount of common labor necessitated by sewage farming, it would seem that Europe has a decided advantage over America in the cheapness and abundance of its supply.

In addition to the free laborers employed on the Berlin farms, there are always from seven to eleven hundred workhouse prisoners, mostly beggars, vagrants and tramps arrested in the city, who are forced to work out their sentences in the fields. The sewage farms thus provide simple, open-air employment to an almost unlimited extent for a class of persons whose maintenance in institutions would not only be less satisfactory from a sanitary point of view, but would also cost the city more than under the present arrangement. Worked in gangs, housed in cheerless barracks, clothed in uniforms of rough brown cloth and sparingly fed, these *Arbeitshäusler* of the sewage farms nevertheless seldom attempt to escape, partly because it is practically impossible to avoid being caught within a few days, and partly because they prefer working outdoors for Berlin to imprisonment in other places. Although short-term prisoners exclusively, there are not a few among them who con-

[1] *Annales des ponts et chaussées*, 7 série; tome x, p. 283 (1895).

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trive to be sent back time and time again until they become almost as permanent as the regular employees. Thus by a sardonic but truly poetic justice the sewage of a great city and its human riff-raff are forced to work out their salvation together.

Shortly after the feasibility of sewage irrigation had been demonstrated under municipal management the city received numerous applications from tenant farmers who wished to rent small tracts of land with the privilege of using the sewage as fertilizer. About 2100 acres are now rented in this manner; the remainder, or about seven-eighths of all the land adapted for sewage cultivation, is farmed directly by the city. It has been the policy of the municipality throughout to insist not only upon municipal ownership, but also upon municipal management or at least the strictest sort of municipal control of the sewage farms. The sanitary welfare of the city is recognized as vastly more important than any purely economic interests involved. For this reason public operation under responsible officials is preferred as a general rule. In the leases under which the tenant farmers operate, it is also the practice to provide every precaution against carelessness in the use of the liquid fertilizer, and these conditions are carefully enforced by administrative supervision.

Sewage is at best a word of sinister significance, and sewage farms—though they grow roses—will hardly find employment in poetic metaphors as places suggestive of sweetness and purity. Yet one might travel for miles over Berlin's landed estates without encountering a single unpleasant odor unless he chanced upon an open hydrant. After the water is released and distributed over the fields it quickly loses its offensive character, no matter how foul it may have been on issuing from the pipes. Sewage coming from different parts of Berlin varies greatly in color and composition, and likewise in offensiveness and fertilizing power. Thus the sewage from a radial system occupied largely by workingmen, to whom bath tubs are unknown luxuries and who economize strictly in the use of water under the stress of the meter system employed in Berlin, is foul and inky on arriving at the farms. Consequently it is much more welcome to the cultivators than the

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colorless and almost odorless water from the district south of the *Thiergarten* where wealth and bath tubs abound. This point is worthy of note by American municipalities contemplating sewage farming. Owing to the much larger per capita use of water in this country the sewage of our cities is considerably less valuable for agricultural purposes than is the case in Germany.

More important than the outward inoffensiveness of the sewage farms is their sanitary condition. Is this method of disposing of the liquid waste of a great city simply a device whereby the health of hundreds of thousands is preserved at the sacrifice of the health of hundreds living on the farms or in their neighborhood? The formula of the greatest good to the greatest number might cover such a case, but there is no need to invoke the shade of Bentham here. It may be asserted most confidently that the average health of the population on and in the immediate neighborhood of the sewage farms is as good as that of other rural communities in Prussia. Moreover, the danger of epidemics is probably less than in communities of equal size in Prussia or elsewhere, certainly less than in many American cities at the present time. The explanation of this apparently extreme statement may be found in the great and constant care with which the pathological phenomena of the sewage farms are studied. Other things being equal, that community is best safeguarded against epidemics where they are most feared and where the most thorough preparations are made to prevent them. Such a community may be found upon the Berlin sewage farms. Probably no rural population in the world has more intelligent care expended upon the preservation of its health—surely a valuable asset against any special liability to disease to which it may be exposed. A glance at the statistical tables which the municipal government publishes annually and which deal with cases of sickness and death on the sewage farms will go far in support of this statement. From the same source one may learn also of the frequent analyses of the water of the wells used by the sewage farmers. The effluent from the fields, gathered first by the tiles underlying them and carried off by open trenches to

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neighboring water courses, is likewise made the subject of careful and constantly repeated examinations. Almost invariably it is found pure, clear, odorless and practically free from micro-organisms. Countless tests of the effluent have failed to show the presence of typhoid bacilli in a single instance. The least evidence of a taint of any sort is followed by a searching investigation which does not stop until the cause has been discovered and removed. Similarly with any suspicious case of sickness occurring on the estates. From 1893 to 1903 there was an average of only one and a half cases of typhoid fever a year on the sewage farms; and during three successive years in this period, 1894, 1895 and 1896, not a single case was reported. Careful investigation in every instance failed to establish any connection between the disease and the water of the farms. As regards other epidemic diseases equally favorable results are shown. This record effectually disposes of the argument that flies would spread broadcast disease-germs obtained from the sewage distributed openly over the surface of the land. While the possibility of the transmission of pathogenic organisms in this way is fully established, the practical danger, judging from Berlin's farming experience, is very slight.

The perfect confidence of the municipality in the sanitary security of the sewage farms is shown by the fact that it has erected on four of the estates homes for the benefit of patients sent out from hospitals in the city. One of these is designed for convalescent women, particularly those recovering from maternity cases, another for convalescent men, and the remaining two for consumption cases. The city manages the homes directly, charging rates sufficient to pay expenses. In no sense, therefore, may the patients be classed as paupers remaining upon the farms because they have nowhere else to go. Over two thousand persons are cared for annually by the four homes, and there is always a large waiting list—facts which speak well for the public confidence in the sanitary condition of the sewage farms and in the management of the institutions for convalescents located upon them.[1]

"Paris casts twenty-five millions of francs annually into the

[1] Statistisches Jahrbuch d. Stadt Berlin, Jahrgang xxvii, p. 460.

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sea." With this text Victor Hugo begins his wonderful description in *Les Miserables* of the sewers of Paris. Whatever may be the literary quality of these chapters—and who has not thrilled at the adventures of Jean Valjean?—they certainly convey a most ludicrously inaccurate idea of the value of sewage. It is easy to ascertain the amount of fertilizing ingredients contained in a city's liquid refuse and to multiply this by market prices, but the result is no more indicative of the real value of the sewage than would be a calculation of the value of the gold in a given ore regardless of the cost of extracting it. Berlin's practical experience on this point is obviously more conclusive than any quantity of statistics which soar into the millions unhampered by facts.

With fair natural conditions for sewage farming, with a large supply of cheap labor easily obtainable and with the most capable and honest of administrators, it must nevertheless be confessed that the purely financial results obtained by the German capital do not bulk large among the advantages of its system. Disregarding all interest charges and assuming the sewage to be laid down free of cost in the fields, the total value of farm products for the fiscal year ending March 31, 1903, exceeded the actual running expenses of 2,871,517 marks by 231,394 marks.[1] This was the most favorable showing made since 1892. Indeed, during four years of the decade ending in 1903, deficits had to be met as the result of current operations on the estates regardless of all other expenses. The average annual profit between 1893 and 1903 was only 33,442 marks. Looking solely at the result of current operations on the farms, then, it may be said that they usually yield a small sum clear of expenses.

The foregoing figures, however, take no account of the heaviest charges incident to Berlin's method of sewage disposal.

[1] This net profit of 231,394 marks includes an item of 148,497 marks which represents the increase during the year 1902–03, as shown by the inventory, in the value of seeds, tools, materials, *etc.*, on hand. The remaining figures quoted in the above paragraph also include these items and are therefore strictly comparable with the figure first given. As such estimates of increase or decrease are carefully made and as they are by no means always favorable to the management of the farms, there would seem to be no reason to exclude them.

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First among these should be mentioned the current cost of operating the radial systems in the city, amounting for the year ending March 31, 1903, to close upon one and a quarter million marks. Even more important are the interest charges. The total permanent investment in the whole sewage-disposal plant of Berlin amounted, at the end of the fiscal year 1902–03, to 126,000,000 marks, of which three-fifths is debited to the works in the city and the remainder to the farms. By the operations of the sinking fund the amount of debt outstanding has been reduced to 96,000,000 marks, on which, in 1902–03, the city paid interest amounting to 3,368,000 marks. Adding to the above figures a number of smaller items of expense, the financial results of the Berlin system for 1902–03 may be summed up in the statement that it cost the city 7,974,000 marks to raise crops valued at 2,954,000 marks.

In the most favorable year of a decade, then, the operations of the Berlin plant as a whole resulted in a deficit of 5,020,000 marks. As the city paid 2,800,000 marks into the sinking fund in 1902–03 the total amount required for that year was 7,820,000 marks. This came principally from a special sewerage tax of one and one-half per cent of the rental value of real estate, which yielded 6,020,000 marks. Fees and other small items brought in 220,000 marks. The deficit of 1,580,000 marks which still remained was met directly by the municipality.[1] Owing to the favorable results on the farms in 1902–03 this contribution was considerably smaller than usual. As the city enjoys certain distinct advantages from the sewage-disposal system in the removal of rain-water from the streets and liquid wastes generally from public buildings and public comfort stations, these direct payments are fully justified, although, of course, in the last analysis the money comes out of the pocket of the taxpayer.

Berlin's balance sheet shows conclusively that something more than sewage is required to make sand Pactolian. Indeed there

[1] Exactly 1,577,161.58 marks in cash. If the increase for 1902–03 in the value of goods on hand as shown by the inventory be allowed (see preceding note), the real deficit left to be met by the city would be reduced by 148,497 marks and would thus stand at 1,428,664.58 marks.

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are certain difficulties inherent in cultivation of this sort which easily explain the financial results detailed above. Some limitations are placed upon the rotation and selection of crops by the peculiarities of sewage farming. With so large an estate it is at times difficult, even in so great a market as that of Berlin, to dispose favorably of certain crops, especially of small fruits. A large standing force of workmen must be employed day and night at all seasons. The most important handicap, however, is the necessity of disposing of all the sewage even when it is harmful to vegetation. A hard rain in Berlin usually means a hard rain on the farms as well, but the latter are obliged to dispose of the double dose in a very short time. If relief from such excessive irrigation be sought in an extension of the area of the sewage farms, new difficulties arise. Despite its poor quality the land suitable for this purpose is costly, since it must be located near the city and must possess special advantages with reference to surface, elevation and drainage. On an average the city paid about $220 an acre for its present holdings, while the necessary work of grading, drainage, *etc.*, brought this up to about $395 an acre. Taking all these limitations in connection with the present depressed condition of agriculture in Germany, the exceedingly modest returns obtained from the sewage farms are not difficult to understand.

While Berlin's experience has failed to realize the dreams of sewage enthusiasts of the Colonel Sellers type, it would be far from the truth to assume that her system has proved a disappointment to those responsible for its foundation. Let it be remembered that if the city did not dispose of its liquid refuse by irrigation it would have to do so by some other method, probably clarification and chemical treatment. A comparison made a few years ago between Berlin and a number of German cities which had adopted the latter method showed that on a per capita basis the metropolis was serving its people at a much lower rate than any of the others. Even should the sewage farms have to be abandoned for a more efficient system at some future date, the city will possess in its land a large asset, the value of which is rapidly advancing. On the other hand, should science develop nothing better, the municipality

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may congratulate itself on what few metropolitan cities possess at the present time, namely, an entirely satisfactory method of sewage disposal capable of indefinite expansion with the growth of its population. In the final analysis the purely financial results of the Berlin system are of minor importance. Its heaviest dividends are paid in cleaner, healthier, longer lives to two million people.

ROBERT C. BROOKS.

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REVIEWS

A History of Matrimonial Institutions, chiefly in England and the United States. By GEORGE ELLIOTT HOWARD, professorial lecturer in the University of Chicago. University of Chicago Press, Callaghan and Company, 1904. Three volumes: xv, 473, 497, 449 pp.

Even a cursory examination of the bibliographical notes prefixed to Professor Howard's chapters—notes which occupy nearly seventy pages of fine print and in which the sources and literature of each branch of his subject are not merely listed but characterized and valued—gives the reader a notion of the length and breadth of the field traversed by the author and the patient care with which it has been studied. To the general reader the bibliographical index of 140 pages at the end of the third volume will perhaps be most impressive, but to the student even this is less convincing than the *catalogues raisonnés* in the bibliographical notes. In examining the case index (vol. iii, pp. 405–411) the student will make the further discovery that the author, although his work is not primarily legal, has considered 147 colonial cases of divorce or annulment of marriage in Massachusetts alone and more than four hundred matrimonial cases decided in Great Britain and in the United States. The initial confidence inspired by these observations is fully justified by the intelligence and discretion with which the author has used his material and the skill with which he has massed his results.

It can not be expected that the contributions which Professor Howard makes to our knowledge of his subject should be equal in all parts of the wide field which he covers. In part i, which occupies a little more than half of the first volume and which he accurately describes as "An Analysis of the Literature and the Theories of Primitive Matrimonial Institutions," his rôle is that of a critical guide. He has classified the voluminous literature and he tells us what parts of it are in his opinion most worthy of consideration. He presents the leading theories succinctly and fairly and indicates his own preference, which is for "the theory of the original pairing or monogamous family." If any exception is to be taken to the author's attitude in this part of the work it is that he fails to draw any distinction between mere social usages supported only by the psychical sanction of general sentiment, and

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social customs which have received the distinctively legal sanction of social enforcement. Had he drawn this distinction it would be possible for him to hold that consensual unions of a monogamous type and of a fairly permanent character existed generally in the earlier stages of human society, without rejecting or even questioning the dominant legal theory that marriage as a legal institution began with wife-capture and wife-purchase. The same distinction may be drawn in the history of divorce. Before marriage had become a legal relation, the dissolution of marriage by act of the parties was neither one-sided nor difficult; afterwards, when marriage had obtained a legal character, different rules obtained. It would not be fair to intimate that Professor Howard is unaware of these changes; on the contrary, in the matter of early divorce, at least, he emphasizes them; but by ascribing a legal character to pre-legal relations he is forced to assume that the changes were changes in the law. For his failure to distinguish between mere usage and legal custom the author is the less to be critized when it is remembered that German historical jurisprudence started with a complete confusion of these two things and has not yet clearly separated them.

In his second part, which occupies the latter half of the first volume and a quarter of the second, Professor Howard's field is wider than his title; for "Matrimonial Institutions in England" are depicted on the background of the continental institutions from which they were derived. His description includes the old German law, the canon law of the Roman church and the changes introduced on the continent by the Reformation. His account of early English marriage forms would, however, be more intelligible if these forms had been placed in proper relation to the whole German law of contract. It is hardly made clear that the old English marriage, which he describes on pages 258 *et seq.* of volume i, is the last stage in the evolution which he outlines (substantially in the words of Brunner) on page 271. The ordinary reader will not understand that the *beweddung* was simply the German pledge-contract (*wed*, *wette* or *wadiatio*) applied to marriage, and that it had no place in the purchase-marriage until a formal promise of the price had been substituted for the payment of the price. Nor will the ordinary reader perceive that the sum pledged by the bridegroom did not cease to be price and become *weotuma* until it had been transformed into a provision for the wife's widowhood. Moreover, the author does not distinguish *wed* or pledge from *arrha* or earnest money, apparently failing to see that in the German law, as in other early legal systems, pledge binds the giver while earnest money binds the recipient. We

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have here, in fact, two quite distinct roots of contract. It is true that when *wed* and *arrha* have both become mere tokens, and when both contracts are formal, they are easily confused; but in the historical marriage forms the distinction is not wholly obliterated. *Wed* is still symbolical security for the payment of price or of *weotuma*; *arrha* is still a symbol of part payment (*cf.* vol. i, p. 307, n. 4). The *fosterlaen* in the old English ritual (vol. i, pp. 270, 271) can hardly be an *arrha*, for a *wed* is given to secure it. It is probably a modified survival of the purchase price, or of part of the purchase price after the rest has become *weotuma*; and its payment is pledged to the father or guardian of the bride, not any longer as price, but as a gift in consideration of his care and nurture of the bride. The idea that in giving her to a husband he is entitled to a price for her future services has long disappeared; the idea that he is entitled to some compensation for his outlays lingers.

Only a few other criticisms can be made on this part of the work, and these are of minor importance. The "measure of Alfonso the Wise of Castile, in 1258," cited (vol. i, pp. 347, 348) from Friedberg might have been cited directly from the *Siete Partidas* (part i, tit. iii, l. 1), in which Friedberg found it; and when it is remembered that this law book was originally simply a compilation of academic doctrine, and that it had no legal force until 1348, sixty-four years after Alfonso's death, it is obviously inaccurate to describe one of its didactic sections as "a measure" of that monarch. Again, the author might justly have laid more stress on the idea that the extraordinary extension of the forbidden degrees in the canon law represented a "reaction against the freedom of the German custom touching the marriage of blood kindred" (vol. i, p. 352). Brunner notes that when the German sibs had settled in villages, and the arable lands had all passed into private seizin, the disinclination to see property pass out of the sib led to undesirable inbreeding.

It is in part iii, which is devoted to American matrimonial institutions (and to which, very properly, as much space is assigned as to parts i and ii together), and it is especially in the chapters dealing with marriage and divorce in the American colonies (chaps. xii–xv), that Professor Howard has made his most valuable contribution to history and to social science. In his study of the colonial period he has not only utilized, so far as the reviewer can judge, all the published material that is of importance, but he has also delved into unpublished archives and court records. Here, as elsewhere, the reader will note, with gratitude, that patient research has not destroyed the

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author's talent for felicitous statement, and that he has the courage to give details which are as amusing as they are illuminating. New York lawyers will be interested, among other things, in the unique disposition which was made of a breach of promise case by the burgomasters and schepens of New Amsterdam in May, 1654: that neither person should marry without the consent of the other and the approbation of the court (vol. ii, p. 281).

In describing the marriage and divorce laws of the United States, 1776–1903 (chaps. xvi, xvii), the author has had less pioneer work to do than in treating our colonial period; but he has consulted "all the statutes relating to marriage enacted in fifty-two states and territories since the Revolution," and he justly claims that his is the first attempt to give a complete historical record of the movement of marriage and divorce legislation in the United States. In consequence of the tendency of the newer states to borrow laws from their eastern neighbors, legislation, as Mr. Stimson noted long ago, moves westward along the lines of latitude; and Professor Howard finds it convenient to retain for the states the triple division under which he groups the colonial laws, treating New England separately, and associating the western with the middle Atlantic states and the southwestern with the old southern states. In a concluding chapter, he sums up the results of the legislative movement in the United States and expresses his own judgment on the most important problems still pending.

In the American portion of his work there is little to criticize. In the chapter on colonial divorce it is noted that in the New Haven colony marriage could be annulled for incompetency; and the rather singular comment follows that "here we get a glimpse of the carnal motives for wedlock handed down from the Mosaic code and tenaciously surviving in all modern systems of laws" (vol. ii, p. 352.) The reason for the rule to which the author here objects is to be found, the reviewer has always supposed, in the theory that marriage is the most expedient method which human society has yet discovered for its own perpetuation and that the institution exists, primarily, *liberorum quaerendorum causa*. In the existing laws of the United States, as in those of Europe, incompetency is regularly treated as a ground for annulment of marriage, as the author shows in chapter xvii; but in his very full subject index the topic is not included. In discussing and approving the efforts of certain state legislatures to restrain the marriage of unfit persons, the author regrets that "in no instance, apparently, has any effort yet been made to prevent the clandestine marriage outside the state of residents who thus seek to evade the requirements

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of their own laws" (vol. ii, p. 480.) In view of the well-settled rules that capacity to contract marriage is determined by the *lex loci contractus celebrati* and that statutes imposing penalties have no extra-territorial operation, any such effort as the author advocates would be practically futile. In noting the increasing liberality of divorce laws the author remarks that "the modern statute maker has recovered and passed beyond the point gained by the Roman imperial constitutions between Augustus and Justinian" (vol. iii, p. 169.) When Professor Howard wrote this sentence he must have been temporarily oblivious of the facts about Roman divorce which he himself has accurately stated in volume ii, pages 15–19 and 28–33. Until some modern statute maker shall allow the husband to repudiate the wife at his own good pleasure without judicial proceedings, on the sole condition that, if the repudiation be on other than certain legally specified grounds, he surrender all the property which she may have brought with her and make over to her any property which he may have settled on her for the event of widowhood—until that time the Roman divorce legislation, even in its most restricted phases, will hold the record of latitude.

The opinions which Professor Howard expresses or indicates as regards pending problems in the United States are of course entitled to the most respectful consideration, for if "histories make men wise" the historiographer should be the wisest of us all. That marriage should not be valid unless properly advertised and publicly celebrated; that the age of consent should be brought nearer to the age of discretion; that minors should not be permitted to marry without the consent of their parents or guardians—from these recommendations there will be little dissent. His opinion that for the purposes of the criminal law also the age of female consent should be raised "to eighteen or twenty-one" (vol. iii, p. 203), and the rather advanced position which he takes in the matter of divorce, will excite much opposition. In divorce, as in another connection noted above, he seems to leave the children out of his social reckoning. In this matter, as in other matters, the religious tradition is treated in a manner which, to the reviewer, seems unscientific. Viewed simply as a historical product, this tradition expresses instincts of social expediency which are the result of millennia of social experience. It may be that the conditions of social life have so changed as to render a portion of this experience worthless and some of these instincts misleading; but to those who regard the chief characteristics of human nature as practically unchangeable, the contrary assumption will seem more probable. MUNROE SMITH.

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The Political History of Virginia during the Reconstruction. By HAMILTON JAMES ECKENRODE. Johns Hopkins University Studies in Historical and Political Science, series xxii, nos. 6, 7, 8. Baltimore, The Johns Hopkins University Press, 1904.—128 pp.

This latest monograph on the period of Reconstruction traces the steps by which Virginia was brought back into the Union. Beginning with the revolt of Virginia's western counties in 1861, the author briefly describes the erection of the "reorganized government of Virginia" under Pierpont, its career in western Virginia and at Alexandria, the formation of the new state of West Virginia, and the situation at the close of the war. Succeeding chapters outline the political activities in Virginia under the plans of Johnson and of Congress, the political influence of the Freedmen's Bureau and the Union League, the convention of 1868, and the restoration of the state in 1870.

The position of Virginia in 1865 was in some respects unlike that of other southern states. No provisional government was set up. According to the logic of the situation, Virginia should have been restored when Pierpont moved to Richmond; but Pierpont's government was not sufficiently radical to suit Congress. With few exceptions it was made up originally of northern men; but the latter were overwhelmed by the native whites, as a result of the amnesty proclamation of May 29, 1865, and the nature of the provisional government changed. It fell into the hands of moderates, while its former radical supporters now became more radical, hostile to the state government and friendly toward negro suffrage, which alone would return them to power.

Clearly and concisely the author describes the political development from 1865 to 1870: the gradual formation of two parties, the one radical, based on the support of the blacks, the other conservative, and opposed to the political equality of the blacks; the division in the Republican ranks between extreme radicals and moderates; the attempt and failure of the old Whigs to influence the negroes; the reaction against the radical program and the fusion of the conservatives and the moderates of both parties, resulting in the restoration of the state. There is no account of the social and economic aspects of the Reconstruction: only its superficial political features are described. Some statements and conclusions of the author are worthy of note. He shows that the Republican party in the state was opposed to negro suffrage as long as it seemed possible to disfranchise the mass of the whites. He answers the wearisome question, why the respectable whites did not try to control the negro voters instead of leaving them to unscrupulous aliens, by

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showing that a serious attempt was made to do this, and that it was repulsed with scorn by the blacks, who at the very beginning had fallen under outside control. It was generally believed that the former owners would control the blacks; but the latter were rendered suspicious and independent of the whites by the Freedmen's Bureau, while the Union League united them in a strong political organization and taught them to hate and fear the whites.

The radical leaders succeeded so well that to the convention of 1868, composed of 95 delegates, a solid negro vote sent 72 delegates, pledged to radical policies. Of these, 24 were negroes, 13 were native whites, and the rest were carpet-baggers. Though the negro failed to secure social-equality legislation, the constitution contained sweeping provisions for disfranchisement of whites. The radical nature of this instrument, the lack of funds, the proximity of the state to Washington, which rendered misgovernment too visible, and the fact that the vote of Virginia was not needed to elect the president, caused the authorities to defer the vote on the constitution until a more favorable time, and the worst provisions were then voted down. But there was carpet-bag government in 1868 and 1869 under the provisional régime, Congress having decreed that all officials must take the "iron-clad test oath." Of course few decent people could take it.

On some matters the author's theories and opinions may be criticised. If party distinctions had faded out in Virginia in 1865, then Virginia was unlike other southern states. Too much importance is ascribed to the effect on Congress of the state legislation affecting freedmen. The views accepted are those of Mr. Blaine and others who were searching for excuses for the course of Congress. Congress had decided to reject the president's plan before the so-called "black laws" were passed. They served later as convenient excuses for what had been done. The laws, with few exceptions, were timely and sensible, and in substance had long been and still are on the statute books of most of the states of the Union. It is also a mistake to attribute any great importance to the adverse testimony of the Virginia witnesses who came before the Committee on Reconstruction. The committee was in quest of testimony to support a course already decided upon, and the witnesses were carefully selected with that end in view. Again, the author is wrong in ascribing to the northern people generally an enthusiasm for the rights of man and an acceptance of the doctrine of the social and political equality of the races. Reconstruction was only partially due to humanitarian motives; it was for the most part cold-blooded, practical politics. Moreover, in view of the state of politics at that time, it was not necessary to

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criticise Virginia for refusing to ratify the Fourteenth Amendment. To have done so would have added another humiliation. Further, popular education is a partial success in Virginia, not because of, but in spite of, the reconstructionists. As to the results of Reconstruction, the author accepts the apologetic view that it secured the negro's personal freedom, his economic independence, and his right to vote and to educate his children. Exactly how this was done we are not told. It is not correct to look upon the recent disfranchisement movement as entirely opposed to the political rights of the negro; it is more correct to say that in the new constitutions the whites for the first time freely admit the right of the capable black men, distinguishing these from the unfit, and thus recognize negro suffrage.

On the whole, Mr. Eckenrode has produced a good account of politics in Virginia during Reconstruction; but in interpreting the facts he is too much influenced by the memoir writers and the apologists.

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The Color Line. A Brief in Behalf of the Unborn. By WILLIAM BENJAMIN SMITH. New York, McClure, Phillips & Co., 1905.—xv, 261 pp.

This book is an attempt to present and to defend the position assumed by most southern whites that the color line between the races must be maintained firmly and unflinchingly as the only barrier against miscegenation and consequent debasement of the South. "The supreme and all-overshadowing importance of preserving the American-Caucasian blood pure and untainted and dedicated to the development of the highest humanity" is "the central position" of the book (p. 158). This claim the author thinks challenged or denied in act by the entertainment of a negro at lunch by the president, and in word or implication by the attitude of the North and of Europe (pp. 1, 21). He affirms "that the highest authorities in the North, the factors that form public opinion and guide legislation, have never yet to our knowledge raised their voices against miscegenation in the South" (pp. 71 *et seq.*). In answer to this one may quote from the president's speech in New York City, Feb. 13, 1905: "All reflecting men of both races are united in feeling that race purity must be preserved." But waiving the question whether Professor Smith is correct in his belief that public opinion at the North or in Europe favors or is indifferent to miscegenation, we pass to a consideration of the arguments upon which his position is based. The inferiority of the negro because of his racial inheritance

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and the degeneracy caused by intermixture of races are "the two hinges of the whole controversy" (p. 29). The last two chapters, in which he argues that the negro race will ultimately disappear from the United States and that the problem raised by their existence will thus be solved, are of importance to his position mainly as cheering the whites with the belief that the color line will not need to be maintained forever.

In weighing the evidence by which the author supports his contention that intermixture of races causes degeneration, it is important to distinguish, as he apparently does not, between a physical degeneration leading to an extinction of the degenerating type and a social degeneration sinking the civilization of the type to a low and dead level. He seems to be arguing that intermixture of races causes social degeneration. But much of his evidence regarding the feeble health and short life of mulattoes tends rather to prove a physical degeneration. If nature raises a barrier between the races, if mulattoes tend either to die out or to revert to one or the other of the two parent types, then the argument that man should supplement nature's edict by puny efforts of his own, like the maintenance of the color line, seems weakened rather than strengthened. Again he seems to have omitted or overlooked some evidence that tells against his claim of physical degeneration. Thus, when he says that except in Brazil "such remote crossings [those of Indian with Latin blood] have been more or less disastrous" (p. 67), one wonders how he would explain away the remarkable conclusions of Professor Boas that the intermixture of Indian and white in the United States "results in an increased vitality. The difference in favor of the half-breed is so striking that no doubt can be entertained as to its actual existence." What we most need in this field is a body of trustworthy evidence such as only accurate vital statistics of the two races under similar conditions can give. Until such statistics are forthcoming, I do not see how we can go further than to say that there is a slight balance of evidence in favor of the view that the mulatto is physically weaker than either parent stock, but that there is no clear evidence either of infertility or of reversion.

That the average negro is inferior to the average white seems undeniable, but when Professor Smith goes beyond this statement and affirms that "it is idle to talk of education and civilization and the like as corrective agencies; all are weak and beggarly as over against the allmightiness of heredity" (p. 13), he goes further than the evidence he presents or any evidence with which I am familiar seems to warrant. How far the present and prospective inferiority of the negro is due to

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heredity, and how far it is due to that color line which our author champions, seem to me an unsolved question, and likely to remain insoluble. Each is a potent factor. I am disposed to believe that heredity is the more potent; and the more I study and observe, the stronger that belief becomes. But it is a precipitate from my reading and experience, and it has grown up somewhat like my estimate of the character of a public man from his speeches and acts. I should not try to demonstrate either to a skeptic.

The color line, I believe, subjects the negro race in all parts of the country to heavy economic pressure and severe economic disadvantage. It is justified at the South and for the present because interests of mankind, which are paramount to those of either race, demand it. But at the North it is not justified, and one may hope that in the South the need for its maintenance will slowly decrease as the numerical preponderance of the whites increases.

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L'Oeuvre sociale de la Révolution française. Paris, Albert Fontemoing, no date.—460 pp.

To the student of the French Revolution who has become weary of the innumerable anecdotal accounts of the period and has come even to distrust somewhat the political and diplomatic histories which often appear so futile and superficial, this volume of essays will come as the promise of better things. Six aspects of the great work of the Revolution are treated by six different writers. M. Émile Faguet leads the way with a discussion of the "*idées maitresses*" of the Revolution—liberty, equality and fraternity. He endeavors to determine the scope and historical interpretation of these terms and by no means loses himself in fruitless abstractions. Equality is historically the first of the trio, and fraternity is after all "pas autre chose que la formule sentimentale de l'égalitarisme et que le mot égalité prononcé avec plus d'onction et que l'idée d'égalité pénétrée de tendresse"—a sentence which suggests Matthew Arnold's famous definition of religion.

Socialism during the Revolution is treated by M. André Lichtenberger. The *cahiers* of 1789 prove conclusively that there were no socialistic tendencies at the opening of the period of reform, and the writer discovers very few such tendencies in the legislation before 1795, which is as far as he carries his investigations. The reforms of the Revolution prepared the way for the development of socialism, but they were in no way the outcome of socialistic theory.

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In the next essay Maurice Wolff devotes over a hundred pages to a review of the educational theories and reforms of the revolutionary leaders. This is a highly interesting and rather neglected theme. The modern "educator" will find strange forecasts of his own cherished expedients in the doctrines of a hundred years ago. Romme would have the child begin his education by simple and useful "*leçons de choses*," and the little ones should have "la première connaissance des objets naturels et locaux." The reformers were earnest men, impassioned for the public welfare. They met with distinguished success, considering the unfavorable conditions amid which they labored, and handed down some important plans which they themselves were unable to carry out.

The question of land and the peasant proprietors is assigned to M. Sagnac. By liberating the land from thousands of ancient, complicated and often uncertain dues and restrictions, the Revolution definitively introduced full and free individual ownership. By the destruction of the monasteries, which appear to have held about two-thirds of the real estate belonging to the church, by the sale of the *biens nationaux*, and by the new laws of inheritance, a general redistribution of lands was effected. The whole system of taxation was freed from its ancient vices and readjusted in a spirit of equity. Complete liberty in production and distribution was not introduced; but the new conditions due to the reforms of the National Assembly and Convention served to raise up a rural democracy alongside of a new landed aristocracy of *bourgeois* origin.

In no sphere was the work of the National Assembly and the Convention more startling than in that of ecclesiastical affairs. M. L. Cahen gives a useful résumé of the position of the church before 1789 and of its singular relations to the government. Rather curiously he repeats the common error that the clergy were free from taxation, and he leaves out for some unaccountable reason the extremely important demands for ecclesiastical reform which are scattered through the *cahiers*. Perhaps the most valuable part of his essay is his discussion of the Civil Constitution of the Clergy. Like Champion, in his recent admirable monograph on the *Séparation de l'église et de l'état*, he concludes that irreligion played a very trifling part in the changes.

The volume closes with a long essay by M. Lévy-Schneider on a theme rather more special than those earlier treated, namely, the reorganization of the army by the Convention.

JAMES HARVEY ROBINSON.

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The Influence of Grenville on Pitt's Foreign Policy, 1787–1798. By EPHRAIM DOUGLAS ADAMS. Published by the Carnegie Institution, Washington, 1904.—79 pp.

Contemporaries, biographers and historians have frequently asserted the ability, independence and initiative of Grenville as a member of Pitt's cabinet. His influence on English foreign policy during the French Revolution has indeed been very generally acknowledged, but it has also been acknowledged in very general terms. Such tributes do not mean much to a close student of any period, for they indicate ignorance as frequently as they reveal information. Dr. Adams has sought to give substantial proof of Grenville's influence on Pitt and his foreign policies—"proof that has been unexpectedly supplied by the recent publication in England of the Dropmore manuscripts."

The value of this monograph is indicated in the sentence just quoted. It is a thorough exploitation of the *Report on the Manuscripts of J. B. Fortescue, Esq., preserved at Dropmore*, published in three volumes as appendices to the *British Historical Commission Reports* (volumes xiii–xv). These volumes contain "principally the private and secret letters passing between Grenville and diplomatic agents at foreign courts, letters between Grenville and Pitt on government questions, and letters between Grenville and George III." On the basis of these letters and, very incidentally, on that of contemporary memoirs, such as those of Malmesbury, Burges, Croker, Gower and Elliott, Dr. Adams treats in chronological order the incidents between 1787 and 1798 in which Grenville was an important factor. In 64 pages (excluding the introduction and bibliography) Dr. Adams has eleven brief chapters on such topics as the rupture of the Triple Alliance (1791); the war with France, October to November, 1793; the Prussian withdrawal from the war; the negotiations with Prussia, July, 1794, to February, 1795, and again in 1796; Hammond's mission to Prussia in 1797; the negotiations at Lille and the secret proposal of peace, August to October, 1797.

In organizing and presenting his material, the author had the double task of sketching the coöperation and conflict of two personalities and of presenting such an account of events as would explain their views and actions. This is not an easy thing to do in a brief space, and Dr. Adams evidently found many insurmountable difficulties. The Pitt and Grenville of the monograph seem too frequently like letter-writing manikins dealing with half-explained matters that they seem to think important. And in explaining the subjects which they discuss, the author has not been very clear—partly, one suspects, because he thinks

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that the Dropmore Papers throw new light not only on Pitt and Grenville but on all contemporary topics. But the special student of the period will pardon something to one who sins no more than most of us who attempt monographic work and write the monographic style. He will do it the more readily because the study is a real aid, in that it works over into more available form some very valuable raw material.

Without questioning the wealth of material in the Dropmore papers, it may be said that Dr. Adams has relied upon them almost too exclusively. To conclude that any set of private papers is sufficient for the treatment of diplomatic episodes is, in these days of archival research, a scarcely justified piece of daring. The reviewer can speak with certainty only about the chapters touching on the English-Prussian relations. Here the author's view is that of Malmesbury; and the freedom and frequency of his references to Prussia's "treason" sound like the editorials in the London *Porcupine* of that day. Such views are neither fresh nor justifiable in the light of recent investigations. These, notably the monographs of Wittichen, Krauel, Luckwaldt and Ford, are needlessly disregarded. The consequence is that matters already treated are mentioned as hitherto neglected, and that minor matters already settled are treated as open questions. An account of the treaty of Basel from any point of view is incomplete if it does not consider the material in the *Papiers de Barthélemy* edited by Kaulek. By neglecting them Dr. Adams makes a number of minor errors concerning the Prussian French negotiations, *e. g.*, on page 33. The frequency with which the letters of the Russian minister Woronzow are cited should have led to the use of the monumental memoirs *Das Archiv des Fürsten Woronzow* (Moscow, 1870–1884). The army of observation in Westphalia (p. 43) was a defensive measure necessitated by the demarcation line that Prussia was maintaining and had no proved connection with any plans to force the French from the left bank of the Rhine. Other errors of this kind might be pointed out. Had the monograph given a rounded view of Grenville and Pitt, it would seem almost hypercritical to call attention to errors in subsidiary matters. As it is, one feels that it is hardly satisfactory in its characterization of the two men, and still less satisfactory in its sketch of general diplomatic relations.

The general results of the investigation are very clearly stated on pages 73 and 74. By reason of his success on various missions, Grenville, as a private person, was an esteemed adviser of Pitt up to 1791. As a minister, after this, he was primarily responsible for England's peace policy and her isolation between 1791 and 1793—Pitt agreeing with him. After that, dissensions arose, Grenville distrusting Prussia

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and leaning toward Austria, while Pitt still clung to Prussia. In most cases, Dr. Adams holds, it was Grenville's war policy which England followed—a policy which Pitt heartily accepted after 1797. This policy involved two main ideas which are usually credited to Pitt: "first, to maintain coalitions against France in order to reduce French influence and to restore the balance of power in Europe; second, to seek English colonial expansion as a compensation for the continental aggrandizement of France."

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YALE UNIVERSITY.

The Declaration of Independence. An Interpretation and an Analysis. By HERBERT FRIEDENWALD, Ph. D. New York, The Macmillan Company, 1905.—xii, 299 pp.

The sub-title is an excellent characterization of the purpose and significance of this volume. Convinced that the Declaration is the least comprehended of all the great documents produced in the course of American political development, the author endeavors to re-create the aspect that it had in 1776. That generation required no interpreter to make its meaning clear. "But as time went by, the men to whom the Declaration made this direct, forcible appeal passed away, leaving no interpretation of the commonplaces which they comprehended so clearly as to lead them to believe that all who came after must understand with like readiness." The book accordingly contains a description of the development of the authority of the Continental Congress and of the evolution of the sentiment for independence, as these movements were related to each other from 1775 to July 4, 1776; a study of the facts concerning the adoption, signing, literary quality and philosophical significance of the document itself; and a review of the "facts submitted to a candid world."

In this work of interpretation, perhaps the most important contribution made by the book is to be found in the careful study of the development of the power of the body that produced the Declaration, and of the purposes which the document was intended to serve. The interrelations of the growth of the power of Congress in strengthening the Union, the democratic movements in the several colonies, and the development of the sentiment for independence, within and without the walls of Congress, are brought out with a clearness of outline and illustrative illumination which are to be found nowhere else in like compass. Many of the facts are familiar, but they are woven into an organic

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structure. The story of the managing of the double set of revolutions in each colony, with such skill and understanding of the people as to enable the radical leaders in the Congress to bring all the movements to simultaneous fruition in the action on the resolution for independence, is most interestingly told.

In the account of the facts concerning the signing, the author makes use of Chamberlain's article on this subject as well as of independent investigations of his own. The result is a very clear and satisfying account. In the defence of the document in regard to its literary quality and its adequacy to the purpose for which it was intended, the treatment does not depart widely from the general line taken by Professor Tyler in the *Literary History of the American Revolution.* But in describing the immediate purposes which Jefferson had in mind in the work of composition, particular emphasis is laid on the desire to play upon the sentiments of each colony in such a way as to bring out a united chorus of approval of the Declaration and of devotion to the cause of union. Especially in this respect is the Declaration made to appear the climax of a development whose beginning is coincident with the origin of the authority of the body which made the Declaration. The chapter on the philosophy of the document opens with an outline account of the contents of Locke's *Treatises on Government,* which are described as the favorite source of political philosophy among the leaders and people in America of the early eighteenth century. The legitimate descent of the political philosophy of the Revolutionary generation from English sources of the seventeenth century and the skilful advantage taken by Jefferson of the general familiarity with this philosophy are the chief points with which the author is concerned. In this perspective the "self-evident truths" of the Declaration are but a terse expression of the widely diffused and high-minded conceptions of the origin and end of government, introduced into the document in order that the case for the colonies might be stated on as high a plane of idealism as the exigencies would allow.

In the analysis of the "facts submitted to a candid world," no attempt is made to relate the various charges made against the king to any common principle or theory, as in Bigelow's article in the *Cambridge Modern History.* Nor is there any endeavor to consider from a dispassionate standpoint, or with reference to the standard of strict legality, the occurrences which are mentioned. Rather, the object is to present the images which reference to these occurrences brought up in the minds of those who heard or read the Declaration at the time of its appearance. This is preceded by a brief sketch of the imperial

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machinery for colonial administration and of its manner of working, which indicates some of the deep-seated causes of the deeds that led directly to the Revolution.

Altogether the book is decidedly welcome for itself and, in its treatment of the development of the power of the Continental Congress, is an attractive earnest of the larger work upon that subject which the author promises in the preface.

CHARLES WORTHEN SPENCER.

COLGATE UNIVERSITY.

Spain in America, 1450–1580. By EDWARD GAYLORD BOURNE. (*The American Nation: A History.* Volume III.) New York and London, Harper and Brothers, 1904.—xx, 350 pp.

The South American Republics. By THOMAS C. DAWSON. (*The Story of the Nations.*) New York and London, G. P. Putnam's Sons, 1903, 1904.—Part I, xvi, 525 pp.; Part II, xiv, 513 pp.

No one is better aware than Professor Bourne of the immense difficulty of telling the true story of Spain in America. The printed materials are fragmentary, and those in manuscript become accessible only after years of patient research in the archives of Spain and her former colonies. That the author of *Spain in America* has prepared from the printed sources an outline containing so many of the essential facts and conclusions, bears high testimony to his scholarship. The story is told in a sober and impressive fashion, and everywhere the construction is buttressed by lucid comment and able criticism. The result is a work that easily surpasses in value anything hitherto offered in the field.

The first twelve chapters of the book are given over to a survey, refreshingly novel in form and concept, of the progress of discovery and exploration from 867 to 1580. Intimately acquainted with the best literature of his subject, Professor Bourne traces the fortunes of Columbus and the other early discoverers, shows how a knowledge of the coast line was obtained, explains the connection of Vespucci with the naming of America, and properly bestows the laurels of sea-daring upon Magellan. Then follows a brief account of the way in which the Spaniards explored the interior of North America and destroyed the French settlements in Florida. The second part of the work consists of a series of chapters on the leading features of the colonial policy and administration of Spain in America. Here stress is laid upon the fact that the prevalent notions about Spanish misrule and colonial backward-

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ness need extensive correction in the interests of historical truth. The actual degree of intellectual culture and material prosperity which the author shows to have existed in the Spanish-American colonies ought to dissipate some of the clouds of ignorance and prejudice which have enveloped so long the tale of Spanish colonization in the new world. The work terminates with a critical essay on the authorities. A number of useful maps, including a portion of the recently discovered mappemonde of Waldseemueller, serve to embellish the text, though one must regret the absence of any map outlining the political divisions of colonial Spanish America.

Conspicuous as the merits of the book are, there is room for a candid statement of what the reviewer considers to be its chief defects. It contains much that is extraneous, not only to the main theme—Spain in America, 1450–1580—but also to the history of the origin of the United States. What relation Spain had to America prior to 1492, or what connection the Cabots, the Corte-Reals, Verrazano and Cartier had with Spain, is not clear. By far the most of the criticism, however, applies to the second part of the book. It would be difficult to show that the subject-matter in this portion has any special bearing upon the history of the United States, particularly since the Spanish settlements in this country are not used as a setting for any of the colonial institutions described. The account of the colonial policy and administration of Spain between 1493 and 1821, furthermore, wanders far from the field supposed to be covered, while it carries the reader along a rather incomplete outline of the colonial system, and that mainly on its formal, legal side. Nearly all the statements and opinions advanced are correct as far as they go, but one gets no real and vivid idea of how the colonial institutions worked in practice. The actual course of development through the four great stages of foundation, decline, reform and revolution is not indicated.

Occasionally the text is obscure, and a knowledge is presupposed on the part of the reader which can hardly be expected. No explanation is given of why only three of Magellan's vessels reached the Philippines, and the account of the viceroys in New Spain and Peru (pp. 229, 230) is confused. The allusions to Navidad and Veragua (pp. 35, 107) are made without earlier reference by name, and the *repartimientos* are mentioned on page 150 although they are not defined till page 206. The spirit of the old Spanish texts, cited from time to time in illustration, would have been reproduced more faithfully if Professor Bourne had translated them himself, and had not inserted the archaic English versions from Hakluyt.

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An *alcalde* was not a "chief-justice" (p. 49); a *corregidor* had many duties other than those of a collector of taxes and a superintendent of Indians (pp. 234, 263); and "tax on exchanges" (p. 217) does not adequately define the *alcabala*. *Corregidores* with jurisdiction over the Indians were appointed before the *encomiendas* were abolished (p. 234, n. 3). The quotation from Oviedo (p. 82) should read "Chripstóbal Colom," and not "Christoval Colom." Spanish accents are often omitted, and the words in Spanish are sometimes misspelled: *e. g.*, "Valde," instead of Valdés (p. 328); "Bimine," instead of Bimini (p. 134); "Villa-Segnor," instead of Villa-Señor (p. 240, n. 2); "Terra Firma," instead of Tierra Firme (p. 285); and "*barragan*," instead of *barragana* (p. 307, n. 1). The *asiento* and the *capitulación*, or the contracts for discovery and colonization, so prominent in the early colonial policy of Spain, are nowhere described as such. Contrary to the statement on page 87, Gómara's work was printed in 1552, and Oviedo's in 1535. The correct citation of Waldseemueller's *Cosmographiæ Introductio* (p. 99, n. 1) is fol. 13a, not fol. 3b. The comments of Columbus on a certain passage in D'Ailly's *Imago Mundi* are translated in different ways on pages 10 and 94; and the reference on the latter page should be to Lollis, pt. i, II, and not to Hugues, pt. ii, II. Magellan's vessel, the "San Antonio," was of 120, not of 150, tons burden (p. 120), and the entire number of men who embarked in the expedition is given as 270 on page 121, and 239 on page 129. Not dec. i, lib. vii, chap. iv, but dec. i, lib. ix, chap. x, is the proper reference in Herrera (p. 134). That historian's account (dec. i, lib. ix, chap. xii) *does* afford a "hint" as to the incidental purpose of Ponce de Leon in going to Florida. Professor Bourne's usual success in negative disprovals, furthermore, has not been realized in the case of Dominique de Gourgues (p. 188). Some of the arguments he offers in support of his intimation that the well-known story is a myth are not very strong, and none is valid in the face of the evidence presented by the correspondence of Menéndez de Avilés published in the second volume of Ruidíaz y Caravia's *La Florida*, by the statements of Barrientos in his *Vida y Hechos de Pero Menendez de Auiles*, and by other original authorities recently discovered.

The disaster to De Soto at Chicasa occurred in 1541, not in 1542 (p. 165); and Oviedo does not say that the *adelantado* and his men "saw the great river" on May 8, 1541, the day that they arrived at the "first village of Quizqui." The reference to Las Casas (p. 206, n. 4) should be to vol. ii, p. 346 *et seq.*, and not to vol. i, p. 373. The phrase *natural de estos reinos*, used by Herrera and other histori-

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ans of the early period, does not necessarily mean a "native of Spain" (pp. 207, 218, 245). Whether in the technical sense the term included Spaniards other than natives of Castile and Leon, as regards the privilege of going to the Indies, was a matter of dispute till 1596 at least. All *audiencias* could communicate "independently to the king" (p. 233). Most of the dates assigned to the founding of the viceroyalties and captaincies general (p. 231) are erroneous. Charles III died before 1789 (p. 280). The trade with the Indies was not confined in 1503 to Seville exclusively, nor was that city the political capital of Castile at the time (p. 282). The *casa de contratación* at Corunna was created in 1522, not in 1525; and Herrera says simply that it was established for the "greater convenience of the commerce of the northern provinces" of Spain (pp. 282, 283). In connection with economic matters the absence of any direct allusion to the famous ordinance of October 12, 1778, is as strange as the inclusion of Humboldt's fantastic guesses about the yield of the mines in America (p. 301). Finally, not 59 but 48 heretics "suffered at the stake" in Peru (p. 313), and of these only 15 were burned alive.

The bibliography is well prepared, but one would like to see mentioned Barros Arana's *Chile*, Medina's works on the Inquisition in South America, Zabálburu and Sancho Rayon's collection of documents, and Stevens and Lucas's *New Laws of the Indies*. Bernaldez's *Historia de los Reyes Católicos* did not remain unprinted till 1878; it was printed at Granada in 1856, and at Seville in 1870. There is only one series of *Documentos Inéditos de las Indias* (p. 335), the reference being of course to the edition of Pacheco and Cárdenas. And it would have been well to call attention to the fact that the second series was published by the Royal Academy of History, and is greatly superior in accurate editing to the first series.

The two volumes by Minister Dawson, *The South American Republics*, cannot lay claim to the scholarship and original research visible in Professor Bourne's work. They contain the story of each of the republics, including Panama, from the colonial period to the present day. So far as the states treated in the first part, namely Argentina, Paraguay, Uruguay and Brazil, are concerned, the account of their progress since the opening of the revolution against Spain is readable and instructive, although the occasional infusion of enthusiasm and hyperbole impairs the reader's reliance upon the strict truth of the narrative. The extensive acquaintance which Mr. Dawson has enjoyed with the public men of those countries, and the opportunities which he has had to familiarize himself with other sources of recent information, impart to

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his views and statements, particularly in reference to Brazil, a high degree of authority.

The absence of footnotes, and the rather meagre list of books given in the prefaces as having been consulted for the preparation of the text, prevent the reviewer from tracing the origin of the copious errors and misconceptions running through all that relates to the period preceding the establishment of independence. Most of the mistakes seem to have arisen from the faulty methods employed in the process of compilation. The arrangement, furthermore, whereby the history of each country is traced separately from the beginning of its political existence to the present time, may be fairly practicable, perhaps, for the treatment of the four states above mentioned, but when used in connection with all the other republics, which have had so much in common since the outbreak of the War of Liberation, the result is confusion and repetition. Nor do the few wretched maps and frequently misplaced or inappropriate illustrations clarify the text.

Had Mr. Dawson confined himself to the field indicated by the title of his work, omitting the material that relates to the South American republics as colonies, these volumes would have been more useful. In view of the dearth of satisfactory accounts of South America in the nineteenth century, the portions of the work which deal with this period may be recommended to the student of the land of the *pronunciamento* and the tea-pot tempest—both of which characteristics, happily, have begun their retreat into the realm of other days as the South Americans slowly evolve "among themselves the best form of government for their special needs and conditions."

WILLIAM R. SHEPHERD.

COLUMBIA UNIVERSITY.

A History of the Ancient World for High Schools and Academies. By GEORGE STEPHEN GOODSPEED, Professor of Ancient History in the University of Chicago. New York, Charles Scribner's Sons, 1904.—xvi, 483 pp.

This work is one of several attempts to meet the call of the Committee of Seven (*Study of History in Schools*, N. Y., 1899) for a text-book which should cover the whole field of ancient history to Charlemagne. The author is favorably known for his *History of the Babylonians and Assyrians*, and is at his best in the Oriental field. Though in the history of Greece and Rome he has made himself familiar with some topics, in general the constant recurrence of mistakes and of antiquated theories indicates a lack of careful acquaintance with the sources and

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with the best modern authorities. Examples of errors are the statements that at Athens was a board of men "called the Council of the Naucrar-ies" (p. 108); that "by 1500 B. C. a series of vigorous and advanced Greek communities, extending from Cyprus to Sicily, appeared" (p. 115); that Pericles was "a member of the noble family of the Alcmeonidae" (p. 139; he should have written Buzigae); that "Servius is also said to have divided the Roman territory into four parts" (p. 262); and that "the Latin League was said to have been reëstablished by Spurius Cassius in 493 B. C." (p. 269). Citations of the kind might be multiplied indefinitely. Many dates also are certainly wrong. Again, scholars no longer hold that Solon introduced the lot for the election of archons (p. 110), and are abandoning the view that Solon (*ibid.*) and Cleisthenes (p. 113, heading) made constitutions. The theory, too, that there was a chief *strategos*, which Goodspeed adopts (pp. 121, 139), has been amply disproved by Hauvette-Besnault, *Les Stratèges Athéniens* (Paris, 1885). The volume is marred further by obscurities which even an advanced student could hardly see through. But along with a multitude of defects it has many excellent passages; especially commendable is the treatment of the Periclean age.

Pedagogically the book suggests grave doubts. Does a work which is but a meager summary need in addition a preliminary survey and a summary of each period? In a chapter headed "The Greek Empires (500–200 B. C.)" will not the inclusion of events from 1500 to 500 B. C. confuse the young reader? Is there any advantage in the bare enumeration of names, as "Miletus founded Cyzicus, Sinope, Trapezus, Olbia" (p. 90), or "We are told of the ambitions and fall of Spurius Cassius, of Coriolanus, of Appius Herdonius and Appius Claudius and of Spurius Maelius" (p. 274)? It is doubtful, too, whether the reading has been judiciously selected.

Notwithstanding the want of clearness and method the work is perhaps better than the average text-book on the subject; and as to its inaccuracy, at least for the Græco-Roman period, no scholar can be expected to be equally at home in Oriental, classical and mediæval history. The Committee of Seven should bear their share of responsibility for the unsatisfactory performance of the difficult if not impossible task which they have set for the author of the text-book as well as for the pupils in ancient history. In time educators will probably discover that this headlong rush through six thousand years of history is not the best thing for the lowest class in high schools.

GEORGE WILLIS BOTSFORD.

COLUMBIA UNIVERSITY.

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Le Commerce et les marchands dans l'Italie méridionale au xiii^e^ et au xiv^e^ siècle. By GEORGES YVER. Bibliothèque des Écoles françaises d'Athènes et de Rome, Fascicule lxxxviii. Paris, Albert Fontemoing, 1903—viii, 439 pp.

It is natural that French students of history working in Italy should be attracted to the period of Angevin rule in the kingdom of Sicily. Durrieu's valuable work on the Angevin archives pointed the way to the stately files of registers at Naples which two later members of the French school of Rome have used with profit. Cadier's essay on the administration of the kingdom of Sicily under Charles I and Charles II is now followed by Yver's study of the first three Angevin reigns on their economic side. He does not pretend that his two years of research in the Naples archives have by any means exhausted the wealth of material existing for the period 1265–1343, but by directing his attention especially to the exchequer records, the *Rationes Thesaurariorum*, of the third reign, that of Robert, and by utilizing the work of recent Italian and French investigators—the Germans are too much neglected—Yver has succeeded in turning out a book worthy of its place in an excellent series of monographs.

Both Cadier and Yver seem to take patriotic pride in demonstrating that the supersession of the Hohenstaufen line by the Angevins did not bring with it, as some older writers have imagined, any immediate decline of southern Italy nor any break in the continuity of administrative or economic policy. A Guelph government established itself at Naples instead of a Ghibelline at Palermo and there was a corresponding stimulus to the trade interests of the Guelph towns of the North, but though there was a change of politics there was no fundamental alteration of the administrative program. Charles of Anjou was fully as much interested as his predecessor, Frederick II, in developing the fiscal resources of his kingdom and had as keen a realization of the necessity of providing good pasturage for his sheep before shearing them. Encouragement of agriculture, trade and industry; the active royal participation in agricultural and commercial enterprises; the sometimes doubtfully profitable state monopolies in salt, steel, copper and other commodities—all these were continued as part of a well-established system, which in some respects, as in the matter of the monopolies, ran back to distant Arab models. In a brief and inadequate introductory chapter, Yver treats of the economic régime under Frederick II and then proceeds to a detailed discussion of "the general conditions and manifestations of economic life." He describes

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here the political relations of the kings of Sicily with the Orient and with the rest of Italy, their commercial policy, their oppressive taxation, their ineffectual efforts to secure stability in coinage, weights and measures, to check usury and fraud, to protect the routes by land and sea from bandits and pirates. There is something about fairs, there are chapters on industry, agriculture and the grain trade, and on maritime commerce, fisheries and harbors—in short, a diligent collection of items on many topics.

That the merchants from northern Italy held the first place in the economic development and exploitation of the country almost to the exclusion of natives of the South is frequently made evident in this first section, and it is again emphasized in the second part of the book, which is devoted to a closer study of the operations of the foreigners. They controlled the lucrative grain trade from the Apulian coast; indeed, with the exception of the small coasting trade, practically all commerce was in their possession. They introduced the new industries; they built up the ports where they swarmed as shopkeepers, furnishers to the court, artisans and money-lenders. They came to be entrusted with a considerable share of administrative work, not only as farmers of the taxes but as higher officials. With the wealth of the country passing through their hands, they established themselves as territorial magnates, a new commercial and financial aristocracy, on the estates of the impoverished older nobility. It is hardly just, however, to leave the reader with the impression that they were chiefly engaged in "exploiting the distress of the kingdom" (p. 297). They brought intelligence, energy and capital to the work of developing the resources of the country, opening mines, stimulating agricultural and industrial production and increasing exports. Under Charles II the Venetians were preëminent. They astutely held themselves aloof from the strife of parties which was rending Italy and bent their state policy to securing control of the Adriatic and the commercial mastery of southern Italy as well as of the eastern Mediterranean. But under Robert, although their consuls still spoke at court with authoritative menace, their monopoly of trading privileges in the kingdom was successfully attacked by the Florentines. Taking advantage of the strained relations between the king and Venice and of his political and financial situation, the Florentines practiced in south Italy that diplomacy of commercial competition which they later exercised against Venice in the Levant. The great banking failures, however, which occurred soon after the death of Robert, in 1343, and the decline of the kingdom of Sicily as a great Guelph power, checked Florentine expansion in the South and

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enabled Venice to regain her primacy. The chapters which describe the rivalry of Venice and Florence, the latter's commercial conquest and the activity and fall of her great banking and trading companies, are decidedly the best in the book and make an interesting contribution to the history of the rise of modern capitalism.

The chief criticism which must be made of Yver's work is not of its style, which is pleasing, nor of its usefulness, but of the superficial treatment of his subject, and this despite his unquestioned industry. This defect seems due to an insufficient preliminary knowledge of general economic history. A more intimate acquaintance, for example, with the mediæval grain trade and with the motives of its regulation would have prevented an expression of naïve surprise that Frederic II was not animated by the ideals of a modern free-trader (p. 108). Information as to the wider problems of the history of commerce and of commercial law would have made possible a deeper penetration into questions of internal organization and structure. Such writers as Huvelin or Des Marez, with their knowledge of German work in economic history, would not have been content to skim over the surface of three-quarters of a century, picking up for the most part the external facts alone. The economic historian, however restricted his subject of study, needs a special equipment. Yver's book betrays too frequently the hand of the young general practitioner rather than that of the trained specialist. But as a first publication it is nevertheless in many respects commendable. It brings out well the interrelation of economic and political history; it emphasizes afresh the lesson of continuity of development; it is well written, and it contains a number of previously unpublished facts.

EDWIN F. GAY.

HARVARD UNIVERSITY.

Modern Methods in Charity. An Account of the Systems of Relief, Public and Private, in the Principal Countries having Modern Methods. By CHARLES RICHMOND HENDERSON, assisted by others. New York, The Macmillan Co., 1904.—xiv, 714 pp.

The definite recognition by American students of the need for scientific standards in interpreting and coping with social problems will probably date from the year 1904. Two great universities, Harvard and Chicago, organized special courses in social work, and a New York philanthropist endowed a separate school, which he hoped would influence and be influenced by Columbia. Several notable books were published, so that by the end of the year both student and worker were

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prepared to welcome the compendium which the publishers had heralded broadcast as a scholarly exposition of scientific standards of thought and practice throughout the civilized world.

It was with a mind filled with pleasant anticipations that the present reviewer began to read *Modern Methods in Charity*. The disappointment experienced was all the more keen because of the knowledge that the author deserved credit for undertaking to supply information of such vast importance, and because his past services to beginners and older workers and to national assemblies had earned the reward that a scientific study of modern methods in charity would certainly have brought. At first it seemed impossible to review unfavorably a book from such a source; then it seemed best to confine the review to the mention of new and valuable data; finally, however, the reviewer was convinced that it was due not alone to author and publisher, but to social workers, and more particularly to students of finance, politics and economics, to state candidly that this book fails fairly to represent either modern methods in charity or modern American methods of describing charitable work.

The scientific method, which no one has urged more eloquently than the author, investigates thoroughly, records accurately, classifies, coordinates. The unscientific method which we are trying to displace, and of which this book is an example, sees through a glass darkly, mistakes accidents for averages, suffers from what psychologists term "total recall," fails to distinguish appearance from fact or pretension from achievement. The scientific method adapts treatment to need, prescribing, for example, that in writing a book the subject-matter and the treatment be fitted to the needs of the prospective reader. In not one single respect can this book be said to conform to scientific standards, to fit the needs or the desires of students, practical workers or laymen interested in philanthropic work. Unfortunately for the reader, the publishers have done little to compensate for defect of matter and form. The table of contents gives no idea of content or treatment; significant page headings are lacking; the section headings confuse rather than help, being neither consistent nor complete; the same may be said of the topical paragraphing; and the index suggests mushroom histories of the world.

The reviewer has read carefully, line by line, the 75 pages devoted to Germany, and the 62 assigned to Austria-Hungary, besides turning to other portions for information regarding live questions that now concern the American student and executive officer. We should all like to know the extent of applications, methods employed, results obtained,

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etc., with respect to the following features mentioned in the chapter on Germany: the organization of rural church workers for the care of homeless men; community responsibility for emergency relief given to one of its legal residents by another community, and reimbursement for the advances so made; general provision in almshouses for aged couples to live together; compulsory labor for intemperate, neglectful fathers; hospital treatment of insured consumptives by the insurance companies, who find it cheaper to pay board in sanatoria than to pay death premiums; provision for convalescents; invalid insurance; colonies for drunkards; compulsory education for deaf mutes and schools where boarders and day pupils are received; boarding-out of the insane, which is said to cost but two-fifths as much as hospital care; special sanatoria, apart from the insane, for chronic nervous troubles; permitting teachers, pastors or other responsible citizens to initiate proceedings in the interest of abused or neglected children; imposing on school physicians the duty to initiate such proceedings wherever they discover physical signs of parental neglect; school gardens; workingmen's insurance as a "substitute for charity." We should have liked facts which would help us to decide whether to copy Austrian methods in the following matters: the law that recovers from a man when in good circumstances what was given him in straitened circumstances; the house to house canvas for contributions to some charitable enterprise, like the Hospital Saturday and Sunday Association; the custom of voting memorial endowments for charitable purposes on anniversaries; convalescent homes for weak mothers who have just given birth; general institutional care for the blind; farm homes for foundlings; model dwellings which provide, in addition to the usual conveniences, a central kitchen, a coöperative store, bath house, steam laundry, reading room and waiting room, crêche, nursery and retreat for school children. It would be helpful to know if any dwellings have yet been built upon this model, the rents charged, dividends paid, *etc.* Inadequate treatment, however, makes it impossible to use the book as authority for the description or justification of any of the policies above enumerated. To school gardens four lines are given (p. 68); to "one of the most famous institutions in the world for epileptics"—a class quite neglected until recently in the United States—ten lines. Outdoor occupation for consumptives (p. 56); workingmen's insurance (pp. 20 and 70); efforts to establish common registration by public and private charities (p. 37); endowments (p. 23); child labor—all are inadequately treated. We are not told what are the "excellent results" of Hamburg's inspection of undernourished infants (p. 64); what methods are devised to discover

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and treat such children, nor what it costs. Much of the elementary theory and rhetoric devoted to Austria-Hungary might profitably have given way to facts.

The death rate for consumptives in Germany is given for the period 1897 to 1901 as 218.7 for every 10,000 inhabitants, which means 21.9 for every 1000, or more than the gross mortality rate of the empire for all causes. Pages 35, 36, 40, 43, 46 are veritable jumbles of clippings from Muensterberg, not even dovetailing in structure. Page 106 contains a mass of valueless statistics on maternity cases; page 137 drags in (to no avail) a few sentences on factory legislation. To the deaf and blind and foundlings in Austria (pp. 107, 110 and 116) is given space entirely out of proportion to that given to the same classes in Germany, for no apparent reason but presence of copy. For the opposite reason, perhaps, both heading and content for nine sections are lacking in the portion of the work dealing with Hungary.

Municipal housing for the poor in English cities is disposed of in seven lines (p. 233). French seaside sanatoria for children suffering from tuberculosis of the joints and glands are dismissed as hospitals for rickety and crippled children (p. 544). Tuberculosis in Italy is treated hurriedly without reference to the prevalence of the disease. Begging in Italy has only six lines in the one place to which the index refers (p. 572), although it is inadequately treated on pages 579, 580. Fresh-air work and outings are not indexed; summer outings are indeed indexed, but under Germany; this important branch of endeavor in the United States being practically ignored (p. 487), although New York does more work of this kind in one month than all Germany in a season. Faulty statistics compiled by an Englishman are used to describe the American hospital problem. Juvenile courts and probation in the United States are given three pages. Experiments in saving abandoned babies by boarding them with mothers who can give them the breast are not recorded. No light is thrown on the vexing problem of providing food for school children. Of outdoor relief in New York City, where outdoor relief is prohibited by charter, page 439 says it is "reduced to the lowest terms." The work of a New York organization, which according to the Charities Directory for 1904 had outstanding loans October 1, 1903, aggregating $2,200,000 on 69,390 pledges, is mentioned as an incidental activity of a social settlement. Statistics are introduced for the year 1880, 1893, 1895, 1896, *etc.*, where statistics for 1903 were in print. The naïve citation of facts ten to fifteen years old is rather discouraging to those who are trying to maintain scientific methods in charity work.

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Typical of the press-clipping standard that persists from cover to cover is the table of money values (p. xiii), in which are given facts regarding nearly 60 countries not mentioned elsewhere in the book. On the other hand the population of the countries treated is omitted, and cities are compared without reducing population and social work to equivalent values. The bibliography lacks important books and journals; and there is a general failure to give authoritative data upon which the student or worker may base theory or practice.

The author of this book is student, teacher, leader, altruist. He knows the value of truths, of facts proved and weighed. He knows also the dangers to social work of half truths and of unrelated, unweighed facts. May we not hope that he will be able in a later edition to present a volume which justifies its title?

WILLIAM H. ALLEN.

NEW YORK CITY.

Poverty. By ROBERT HUNTER. New York. The Macmillan Company, 1904.—ix, 382 pp.

This work is not an intensive statistical study of poverty like that made by Booth for London and Rowntree for York. It is an attempt to study poverty sympathetically and to estimate the extent to which it exists in the United States. Mr. Hunter fully recognizes that the materials for such a study are quite inadequate and justly complains that, notwithstanding all the statistical work that is done, we have very little real information on the tremendously important questions of poverty, unemployment, wages, poor relief, child labor and kindred topics. He insists that every nation should know what proportion of its people are failing, in spite of their best efforts, to secure the necessaries for physical efficiency, whether the number is increasing or diminishing, and what causes effect its augmentation or diminution.

Taking our sources of exact information as they stand and supplementing them by his own varied investigations, Mr. Hunter arrives at the conclusion that even in fairly prosperous times no less than ten million people in the United States are in poverty. He is aware of the difficulties in the way of such an estimate, but he endeavors to make a critical use of the available sources of information on the number of pauper burials; the cases of eviction; extent of overcrowding and insanitation; death-rates due to tuberculosis; amount of unemployment; number of accidents in dangerous trades requiring charitable aid; ownership of wealth; wages, and the number of dependents and delinquents. Mr.

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Hunter makes an analysis of the psychological as well as the material elements of pauperism. The struggling toilers who possess some self-respect and some ambition and yet are so near the margin that they possess nothing and know the meaning of hunger and the dread of want —these are in poverty. The workless, the hopeless and the shiftless—these are paupers. These types are discussed at length, and the economic and other causes affecting them are examined with skill and insight. In his chapter on the sick, Mr. Hunter discusses the relation of disease to economic conditions and makes a telling protest against the terrible waste of life, especially through tuberculosis, which must be largely attributed to social causes.

The author contends that there is no other nation comparable industrially to the United States which is so backward in its legislation and in its administrative machinery for dealing with unsanitary conditions in factories, mines and workshops and for preventing or regulating those dangerous processes which are responsible for so many unnecessary diseases, accidents and deaths. Our appalling slaughter of laborers and travelers is certainly a disgrace to our nation.

Mr. Hunter is happily fully alive to the importance of child life. Here again he discusses economic causes fully, and shows how the industrial revolution has altered the environment of the child and also his relation to his parents. He deplores the pedagogy which fails to recognize the utter insufficiency of routine teaching during a portion of the day. It is impossible for parents to provide the play-room which the children need, and it is likewise impossible to give them that personal attention which was given in the day of small farming and cottage industry. According to Mr. Hunter, the school must broaden out into a social institution in the widest sense and direct the many phases in the development of the incipient citizen.

Immigration is discussed with special reference to the burdens thrown on the state and to the effect of the ever increasing supply on the competing laborers and on national efficiency. Mr. Hunter demonstrates the necessity of a national consideration of this question, in place of allowing the powerful influence of steamship companies and contractors to shape our legislation. Mr. Hunter would divide poverty into two classes, that caused by social conditions beyond individual control and that for which the individual is directly responsible—a distinction the theoretical validity of which is easily established, although its practical application might encounter difficulties. Mr. Hunter maintains that, until this distinction is recognized, society can not act intelligently or with good results. The present charitable relief system

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is condemned as indiscriminately degrading all classes of poor, without any systematic effort to do justice. Vice and voluntary idleness should be penalized; bad conditions for which society is responsible must be remedied by society. Mr. Hunter makes no revolutionary proposals, though he doubtless thinks with Professor Ely that many of our social diseases are inherent in the competitive system. His program is one that the Fabian could accept. He advocates legislative action designed to enforce certain standards of work and life. These reforms

> would make all tenements and factories sanitary; they would regulate the hours of work, especially of women and children; they would regulate and thoroughly supervise dangerous trades; they would institute all necessary measures to stamp out unnecessary disease and to prevent unnecessary death; they would prohibit entirely child labor; they would institute all necessary educational and recreational institutions to replace the social and educational losses of the home and domestic workshop; they would perfect as far as possible legislation and institutions to make industry pay the necessary and legitimate cost of producing and maintaining efficient laborers; they would institute, on lines of foreign experience, measures to compensate labor for enforced seasons of idleness, due to sickness, lack of work or other cause beyond the control of the workman; they would prevent parasitism on the part either of the consumer or producer and charge up the full costs of labor in production to the beneficiary, instead of compelling the worker at certain times to enforce his demand for maintenance through the tax rate and by becoming a pauper; they would restrict the power of employer and of shipowner to stimulate for purely selfish ends an excessive immigration.

It is evident that some of these propositions have far-reaching implications and might involve radical changes in economic structure. It is evident also that most of them would meet with powerful opposition from certain classes. The demand for national efficiency is, however, a growing one, and the attention which Mr. Hunter's book has received in the popular press is an indication of an increasing interest in economic conditions and their reform. Mr. Hunter's style will make his book more acceptable to the general reader than such works usually are. His presentation of statistical evidences in the appendices will give it additional value to the student.

Many controversial points are raised in the work, but they involve such fundamental problems that they can receive no adequate treatment in a brief review.

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Money: A Study of the Theory of the Medium of Exchange. By DAVID KINLEY, Ph. D. New York, The Macmillan Company, 1904.—xviii, 415 pp.

Professor Kinley's book presents a valuable addition to recent discussions on the theory of money. It contains abundant evidence of wide reading, breadth of view, careful analysis, close reasoning and intimate knowledge of the varied aspects of the subject, and it is certain to enhance the author's already well-established reputation as a sound and thorough worker in the field of economic theory and history. The book is all the more welcome because it attempts to restate the theory of money and credit in a form which is in substantial harmony with the most cherished traditional views, and which at the same time avoids many of the pitfalls which recent critics of the older theories have revealed.

Naturally, Professor Kinley's discussion centers in the theory of prices and is particularly concerned with the influence of the quantity of money upon its value. On this point he adopts the essence of the quantity theory. He holds that changes in the quantity of money affect prices directly, in precisely the manner explained by the older theorists, and that credit rests upon coin in substantially the sense traditionally recognized. Professor Kinley's innovations consist in the carefulness with which he has analyzed and discussed elements of the problem which older writers overlooked or ignored, in the recognition and description of influences, agencies and forces which counteract the influence of the quantity of money, and in the completeness and scope of his discussion.

The most important chapters of the book are very hard reading. The reasoning is abstract, close and intricate. The reader must spend much time and re-read frequently before he can be certain of having grasped the author's meaning. It must be acknowledged that the subject as treated by Professor Kinley is not an easy one; but after due allowance has been made for all intrinsic difficulty, most readers will probably feel that the author's views could have been presented in a clearer manner.

A criticism of Professor Kinley's basal propositions would require more space than would be appropriate in this review. It must suffice merely to indicate what seem to the present reviewer to be the weak places in the author's elaborate fabric of reasoning. In the first place, the use of the doctrine of marginal utility as a means of explaining the value and relative serviceableness of the various elements of the modern complex medium of exchange demands a formulation and extension of that doctrine for which one will search in vain in this book. As stated

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in the writings of its chief authors and expositors it is quite inadequate to the uses to which Professor Kinley puts it. With him it is a veritable *deus ex machina*. Whenever he comes face to face with the real difficulties presented by the quantity theory—and that happens often—he sweeps them all away by referring to the marginal utility of commodity money to society, or to the relative marginal utilities of coin and credit transfers, or of the use of coin in exchanges and in reserves, *etc.* Now this may be the key to the situation, but some argument and explanation are necessary to make it appear so. We should like to know in what category of goods (consumption or production) Professor Kinley puts money, credit, reserves, *etc.*, and precisely how he connects their utility with the specific wants of individuals, which is the test to which every application of the doctrine of marginal utility must be put. We must have the valuation process laid bare and made clear before we are able to see just how it solves the difficulties of the quantity theory.

A crucial point in the discussion is the relation between bank credit and bank reserves. Here the argument is very inadequate, and, in the opinion of the present writer, quite misses the mark. Professor Kinley sees the crux of the situation in the failure of accounts to balance and in the assumed necessity of paying balances in coin; but he ignores or very much minimizes the time element in the problem, the ease with which a deficit to-day can be met by a surplus to-morrow, and the practically unlimited capacity of bankers to pay balances by credit operations involving future payments. His statements regarding the relation between the size of balances and the magnitude of credit operations need the support of arguments or facts. In their present form they are far from convincing.

In this connection should also be mentioned the sections treating of rapidity of circulation and its influence upon the value of money. These are confused and mechanical in the extreme. The writer seems completely to have lost his moorings in the intricacies and sinuosities of his analysis and reasoning.

The later chapters of the book, treating of the measurement of variations in the purchasing power of money, the standard of deferred payments, bimetallism, some factors which modify the influence of price changes, inconvertible and convertible paper money, are the most satisfactory. Here the scope of the discussion is comprehensive, though the individual points are less fully treated than in the earlier chapters. Students will find these chapters valuable as summaries and as guides to the literature and to the materials for study.

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A Geometrical Political Economy. Being an Elementary Treatise on the Method of Explaining Some of the Theories of Pure Economic Science by Means of Diagrams. By H. CUNYNGHAME, C. B., M. A. Oxford, The Clarendon Press, 1904.—128 pp.

This little treatise has evidently been *in petto* for a long time. Thirty years ago, when the prolific Jevons was complaining that Marshall was slow to publish (Jevons, *Letters and Journal*, p. 331), Mr. Cunynghame was one of the small group of students whom the future author of the *Principles of Economics* was initiating into the use of the geometrical method. As early as 1873 the able disciple made a contribution to the graphic treatment of economic questions in the form of "a beautiful and original machine" for drawing rectangular hyperbolas, which was described by Professor Marshall in the *Proceedings of the Cambridge Philosophical Society*. Subsequently he contributed a series of articles to the *Economic Journal*, dealing either with the theory of the graphic method or with its application to the study of concrete problems.

The present work presents the elements of the graphic method as it has been developed, for the most part, by Professor Marshall. Students of this method have known that, in the seventies, Professor Marshall devised a new form of curves which he called the symmetric form, and which he described in a privately printed paper. The general character of this symmetric form has been inferred from the works of Edgeworth, Pantaleoni, Auspitz and Lieben. Mr. Cunynghame describes these curves as well as the more familiar form used in the *Principles of Economics*. The introductory chapter gives a brief account of the history of the diagrammatic method, and is followed by discussions of the use of the geometrical diagram, the demand curve, the theory of final increments, supply curves and fixation of price, surplus value, taxation, composition of supply and demand curves, monopoly, international trade, transformation of curves, integral curves and the algebraic treatment of political economy.

The most valuable parts of the book are the illustrations of the law of increasing return, the chapter on the transformation of curves, and the symmetrical treatment of the statistical and deductive sides of the mathematical method. This last feature has a special value as an indication of a promising direction of theoretical study. It is common knowledge that in recent years the theory of statistics has been put upon a new basis and is becoming the recognized instrument of inductive investigation in the natural and social sciences. It is not, however, generally known that some of the most important contributions to sta-

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tistical theory have been made by mathematical economists, and that the inductive and deductive sides of economics receive collateral treatment in the works of the masters of the mathematical method. The goal of mathematical economics is a statistical confirmation of its conclusions.

Several errors of varying degrees of importance should be noted. On page 42, "ordinates" is used for coördinates. On page 121, the area should be R D W instead of "R D M." On page 75, where, in the discussion of the effect of a specific tax upon price, it is stated that in industries subject to the law of diminishing return "the price is increased more than the tax," it is obvious that we should read "less than the tax." On page 8, the following reference is made to Cournot:

> In the fourth chapter of this book [*Recherches sur les principes mathématiques de la théorie des richesses*] he clearly expounds the law of diminishing utility, and shows that the price which would be offered for an article depends on the utility of the last increment exchanged as compared with money.

It is very curious that this statement should be made, for not only does Cournot not expound the law of diminishing utility with the corollary as to money, but his entire omission of the subject constitutes one of the defects of his great masterpiece.

HENRY L. MOORE.

Les Systèmes socialistes et l'évolution économique. Par MAURICE BOURGUIN, professeur adjoint á la faculté de droit de l'Université de Paris. Paris, Libraire Armand Colin. 1904.—x, 519 pp.

Perhaps the leading merit of Professor Bourguin's book is that its author, appreciating the convincing appeal that facts make to the scientifically and historically trained mind of to-day, has devoted three-fourths of his volume to tabulation of, and commentary upon, the facts of what he styles economic evolution. Part ii is entirely given to this tabulation and commentary. Over a hundred pages of appendices (pp. 391 to 498) present in tabular form the facts regarding concentration of capital, especially visible in railway and shipping companies, in life insurance companies and in the great industrial trusts; the increase of urban populations; the growing tendency of employers and laborers to form unions; the development of coöperative consumers' and producers' societies; the extending municipalization of water, gas, electric light and street railway plants, and the nationalization of telegraph and

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telephone lines and of railways, in Great Britain, Belgium, France, Germany and the United States. In some instances tables are also given from Italy, Switzerland, Denmark, Sweden and Norway, and Russia. These tables are usually taken from government publications, the tables of the United States, for example, being chosen from the reports of the Industrial Commission and from the Twelfth Census. The areas and values expressed in the tables are usually given in terms of the surface and value units used in the countries from which they are taken.

Brief commentaries accompany these tables and a more extended and connected commentary precedes them (pp. 134 to 301). The conclusion deduced from these facts by the author is that modern society moves in the direction of collective control (p. 133 and pp. 302–388).

The first quarter of the volume (part i) is theoretical. Socialism is very broadly defined to denote

> any system, which implies suppression, reduction or diffusion of capitalistic income by the institution, in behalf of a more or less large community, of collective, instead of individual, control over things. [Preface, p. vi.]

Three classifications of socialistic schemes are suggested: (1) According to ownership and operation of the means of production: state socialism, communal socialism or corporative socialism, according as the means of production and the direction of the business belong to the state, to the community or to a free association of individuals. (2) According to their value units: most of them advocating labor-time value units, but some favoring metallic money as a measure of value. (3) According to the mode of distribution favored: communistic, where all goods are common to all members of a society and distribution is made according to need; collectivistic, where the common property does not extend beyond the means of production (including circulation), and where distribution of consumptive goods is made according to labor performed. (Preface, pp. vii, viii.)

These definitions are followed by a criticism, somewhat detailed, both of complete state socialism and of collectivism founded upon a labor-time unit of value. The cardinal objection which the author finds against complete state socialism, a money régime being granted, is that any completely centralized administration must necessarily prove arbitrary in determining the amounts and the kinds of products, and must therefore interfere with the liberty of producers and consumers (pp. 89, 90).

Pure collectivism, to the author, involves the arbitrary interference

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found in state socialism greatly augmented by the despotism, due to the dictation of the kinds of employment for individuals, necessary under a labor-value plan. The best theoretical work in the book is the extended critique directed against the labor theory of value, both as to its theoretic validity and as to its practicability (pp. 11–73). The author recognizes this labor-time theory as the citadel of the collectivist, all champions rallying to its defence and all critics centering their attacks upon it.

One of the most interesting chapters in this whole argument against pure collectivism and state socialism is the one which exposes the logical insincerity of a politic proposal made by contemporary orthodox socialists (chapter v, pp. 60 *et seq.*). The author notes that the many small holdings in France, Belgium and south Germany induce socialists to seek support from peasants and small retailers. Vandewelde, Jaurès, Guesde, DeVille, Kautsky and the Marseilles (1892) and Nantes (1894) resolutions are summoned as witnesses to show that contemporary European socialism is attempting to gain such support from the peasants, the artisans and the small retailers, by promising them that the socialized state will take from them neither their lands, their tools nor their stock of goods. The critical argument demonstrates clearly that, although these classes should be allowed to retain their small capitals, all actual property rights would be practically taken away from them, since the centralized administration would dictate the volume of their production, would set prices, would disallow profits and would not permit bequests.

The author's own socialistic programme is frankly admitted to be substantially that presented by Millerand's *Le socialisme réformiste français, Discours de Saint-Mandé.* (Société nouvelle de librairie, 1903). Millerand's program advocates no sudden state socialism,

> no change of the value régime, no immediate appropriation of all the means of production, no appropriation at all without indemnity. Its immediate aim is the incorporation, under collective ownership, of great industries, such as railways, mines, banks, refineries, water and gas works, street railways [p. 91.]

In summary the thesis of the volume is that an evolutionary collectivist program is both the rational and the historically sanctioned platform for socialism. Part i aims to demonstrate theoretically the irrationality and inadequacy of other proposed socialistic programs and to establish the reasonableness and sufficiency of that proposed by the author. Part ii tabulates the facts of business concentration in an endeavor to show the historical and contemporary sanctions of this program.

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Part i is meritorious in its criticisms, and presents constructively a working plan very closely akin to the familiar Fabian socialism. The tables and commentaries of part ii make a useful hand-book on business centralization and socialization in Europe and in the United States.

There is no index; and to issue without an index a five-hundred-page volume with references to and with criticisms upon more than a hundred authors, and with over a hundred pages of tables, is almost a crime against the reader, which is palliated only by the excellent arrangement of the material and the well-analyzed table of contents.

Altogether the volume is a sane, stimulating and satisfactory exposition, on the one hand, of the basic weakness in orthodox socialistic theory and, on the other, of the facts of business concentration which argue so eloquently the expediency and inevitableness of extended collectivist control.

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RECORD OF POLITICAL EVENTS.

[From November 9, 1904, to May 1, 1905.]

I. INTERNATIONAL RELATIONS.

THE RUSSO-JAPANESE WAR: MILITARY OPERATIONS.—The investment of Port Arthur by the Japanese (see last RECORD, p. 717) was continued during the months of November and December with increased energy. In spite of the determined resistance of the Russians, positions dominating the stronghold and its harbor were carried by assault; and on the evening of January 1, General Stoessel proposed a meeting to arrange the terms of surrender. On the next day **the conditions of capitulation** were settled. All Russian soldiers, marines, volunteers and government officials were made prisoners of war; all forts, war materials and government buildings were transferred to the Japanese; those officers of the Russian army and navy who pledged their word not to resume arms in the war were allowed to retain their swords and return home.—The fall of Port Arthur added to the difficulties of General Kuropatkin in Manchuria. After the series of reverses around Liaoyang in October (see last RECORD, p. 718) the Russians retired toward Mukden. On February 19 the Japanese opened a series of offensive movements which culminated in one of the bloodiest and most decisive battles of modern times. On March 5 they succeeded in turning the Russian right and left. By March 12 the Russian armies were in full retreat northward, hotly pursued by the Japanese. Immediately after the battle, General Kuropatkin was relieved of his functions as commander-in-chief by General Linevitch but continued to serve in the army in command of his former subordinate's division. In April it was reported that General Linevitch was strongly entrenched between Mukden and Kwan-tchen-tse and that preparations were being made by the Japanese for an investment of Vladivostok.—The progress of the Baltic fleet (see last RECORD, p. 720) under Admiral Rojestvensky *via* the Cape of Good Hope and of another squadron under Admiral Nebogatoff *via* the Suez Canal was watched with great interest and, on the part of the Russians, with no little hope. On April 3 Rojestventsky's fleet appeared off Singapore and passed through the straits into the China sea. Its prolonged stay at Kamranh Bay and in other French territorial waters led Japan to make strong protest to the French government on the subject of neutrality. At the close of this RECORD the junction of Nebogatoff's squadron with Rojestvensky was daily expected.

RUSSO-JAPANESE WAR: INTERNATIONAL INCIDENTS. — According to the agreement between Russia and Great Britain (see last RECORD, p. 721) the North Sea affair was arbitrated at Paris by the following

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commission: Admirals Fournier of France, Spaun of Austria, Doubassow of Russia, Beaumont of England, and Davis of the United States. The majority of the commission found, on February 25, that the responsibility for firing on the fishing vessels and for the results of the cannonade rested on Admiral Rojestvensky; that there was no torpedo boat among the trawlers or on the spot, and that the fire opened by the admiral was not justifiable. The majority also expressed regret that the admiral while going through the Dover Straits had not informed the neighboring maritime powers that the firing in the vicinity of the trawlers had left them in need of assistance. In closing the report, the commissioners declared that their conclusions were not designed to cast any discredit on the military valor or the sentiments of humanity of Admiral Rojestvensky and the personnel of his squadron. The amount of compensation to be paid by Russia was fixed by diplomatic negotiations at £65,000 and payment was made on March 9.—The question of **Chinese neutrality** continued to be agitated. In October and November Russia issued notes to the powers claiming that there had been repeated violations of neutrality by China. Failing to secure satisfactory responses to these notes, Russia re-opened the subject by sending, January 11–13, incisive warnings to the powers, charging China with many offenses. Russia intimated that she would act in her own interest in China if occasion demanded. At the suggestion of Germany Secretary Hay of the United States addressed a note to China on the subject, urging her to observe strict neutrality, as the extension of the war to Chinese territory would be greatly lamented by the powers. To this China replied, denying all violations of neutrality and making serious countercharges against Russia. Japan also insisted that she had kept and intended to keep the pledges made at the beginning of the war concerning Chinese neutrality. On January 17 Secretary Hay informed the Russian government of the denial made by China, and on the following day received a note from Count Cassini calling attention to the fact that China had made only a general denial, unsupported by evidence, to a series of explicit charges made by Russia. Secretary Hay, on January 23, replied that the general solicitude of all the interested states would make it seem expedient and proper that the matters concerning which the Russian government raised an international issue should be considered by a conference of the powers. Russia did not reply to this suggestion. On January 13 Secretary Hay wrote to Germany, Austria, Belgium, France, Great Britain, Italy and Portugal, stating that it was apprehended that, in the negotiations between Japan and Russia for peace, neutrals would claim concessions of Chinese territory, and that the United States wished to disclaim any thought of advancing such demands. Germany, France, Great Britain, Austria and Italy responded with similar assurances.—In March the English ambassador presented a note to the Russian government asking £100,000 indemnity for the sinking of the "Knight Commander" (see last RECORD, p. 720). Russia proposed an arbitration of the affair. Through failure of

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the Americans interested in the cargo of the German steamship "Arabia" (see last RECORD, p. 719) to lodge an appeal with the admiralty court of appeals, the cases went by default. Late in January the American steamer "M. S. Dollar," bound for Vladivostok, with a cargo of provisions and military supplies was captured by the Japanese.

OTHER ORIENTAL RELATIONS.—On December 22 it was reported that the American government would take no part in the demands of the other powers that **China** should pay the Boxer indemnity in gold at rates of exchange to be determined by international bankers chosen by the powers. In December it was reported that the Chinese government was taking steps to cancel the concession of the Hankow-Canton railway, on the ground that the ownership of the road had passed out of the hands of the American concessionaries. Upon the protest of the American state department that the railway was still in American hands, the Chinese government rescinded its action.—Negotiations have continued over the treaty signed last September by Colonel Younghusband and the **Thibetan** authorities (see last RECORD, p. 722). In November the Indian government agreed to receive a Chinese special commissioner to negotiate the terms of adhesion on the part of the Chinese government. The commissioner arrived in Calcutta on February 24, and on April 14 it was unofficially announced that the negotiations between Great Britain and China had ended in an agreement, the former accepting some modifications of the terms previously arranged. In November, Great Britain despatched a deputation to the ameer of **Afghanistan**. Its purpose was to secure satisfactory arrangements for the maintenance of order on the Indian frontier and for the extension of railway and commercial operations. The deputation was courteously received, and the ameer's son was sent to the viceroy of India to pay a return visit. Having concluded a treaty which is described as satisfactory, the deputation returned to India in April. In Russia, preparations were made to counteract English influence, and troops were sent to strengthen the Russian forces on the frontier.—While negotiations were proceeding in Afghanistan a British commission was at the court of the shah of **Persia**, and the shah in turn sent a deputation to St. Petersburg. Demonstrations against both powers occurred in Persia in November and March, and measures for defense against both were taken by the Persian government.—Negotiations between the Persian and American governments regarding the murder of an American missionary, B. W. Labaree, in April, 1904, were brought, after much delay and reiterated demands on the part of the United States, to a satisfactory conclusion. It was reported in March that the Persian government had punished the murderers and had granted an indemnity of $30,000 to Mr. Labaree's widow.—**The Turkish Empire**, as usual, has had diplomatic difficulties with other powers. There was further complaint on the part of the United States regarding lack of courtesy in the treatment of the American minister. In November the American legation addressed a note to the Porte demanding reparation for an attack by brigands upon a caravan be-

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longing to an American house. The rectification of the frontier line of the Aden hinterland was a subject of negotiation between Great Britain and Turkey. In February, the Porte informed Great Britain, France, Germany, Austria-Hungary, Russia and Italy of an increase in customs duties. The powers acceded to the proposal but stipulated that the resulting revenue be devoted to reforms.—The question of **Macedonian** finances has again risen, and the powers in March agreed that they should be placed under international control. At the opening of May the representatives of Austria and Italy were in conference over the Balkan situation. The meeting was intended to demonstrate that there is now perfect accord between the two powers on subjects affecting both, particularly as regards the Eastern situation.

INTERNATIONAL RELATIONS IN AFRICA.—Interest in African relations has centered in the **Moroccan** situation. After the close of the Perdicaris affair (see last RECORD, p. 723) the disorder increased. In November and December the sultan demonstrated his inability to protect foreign residents or to put down tribal resistance to his rule. In January the sultan agreed to coöperate with France, but while they were trying to come to terms serious fighting with the tribes continued. In February it became evident that many of the Moroccans were desirous of calling on Germany for assistance in case external help was needed in carrying out reforms. While the terms of coöperation were under negotiation between the sultan and France, Germany intimated that she was not a party to any agreements, would ignore their existence, and was determined that Moroccan integrity should be maintained. On March 19 the German emperor announced his intention of visiting Morocco on March 31. In a debate in the Reichstag on March 29 Count von Bülow declared that German commercial interests in Morocco were considerable, and that they would "see to it that they remained possessed of rights equal to those enjoyed by all other powers." Two days later, M. Delcassé in a speech in the French Senate declared that the sultan's weakness had menaced all interests in Morocco, especially those of France; that France had no intention of disregarding the interests of other nations; but that the Anglo-French treaty recognized the special task of France in opening Morocco to civilization. On March 31 the German emperor landed at Tangier, and his arrival gave opportunity for a political demonstration. Of this speech there are varying versions, but it seems to be agreed that he stated that no power would be allowed to obtain preferential advantages and that Germany would arrange her affairs by direct negotiation with the sultan. On April 7 the British and French ambassadors reasserted the existence of the open door in Morocco. On April 29 Count von Tattenbach, head of the German commission appointed to arrange a commercial treaty with Morocco, practically announced that Germany did not recognize French influence in Morocco and would seek to establish the *status quo* prior to the Anglo-French agreement.—In January a convention was signed between Great Britain and

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Italy whereby the former ceded to the latter the territory on the northern extremity of Kismayu roadstead in order to secure commercial communication between Benadir and the civilized world. The actual boundary is to be fixed by a joint Anglo-Italian commission. At the same time occurred an exchange of notes between the same governments by which Italy obtains sovereign rights over that portion of the Benadir coast of **Somaliland** which has hitherto been held by lease from the sultan of Zanzibar. In March an agreement was reached between Italy and the "mad mullah" by which the latter agreed to keep peace in return for a certain settlement in Somaliland and other minor rights.

EUROPEAN INTERNATIONAL RELATIONS.—Public opinion in **Germany and England** was profoundly disturbed as a result of a press war growing out of the North Sea incident (see last RECORD, pp. 720, 721, and above, RUSSO-JAPANESE WAR, INTERNATIONAL INCIDENTS). The English accused the Germans of unfair sympathy for Russia during the controversy. *On February 6 Arthur Hamilton Lee, civil lord of the admiralty,* in a speech in Parliament, declared that the British navy must be prepared for trouble in the North sea, as war between England and Germany was not an impossibility. Though the British government repudiated responsibility for this speech, it had a marked effect in Germany. When Sir Thomas Barclay visited Count von Bülow on February 16 for the purpose of suggesting the outlines of an Anglo-German alliance the latter, while sympathetic, asked for a guarantee that the British government was sincerely desirous of effecting such an arrangement. In April Great Britain sent a strong protest to Germany declaring that the latter's treatment of British subjects in the Marshall and Caroline Islands had violated the agreement between the two countries over relations in the Pacific waters. —*The German emperor's visit to Morocco* (see above, INTERNATIONAL RELATIONS IN AFRICA) caused apprehension of strained relations between Germany and France.—The **Anglo-French** colonial agreement (see RECORD of June, 1904, p. 334) was ratified on November 12 by the French Chamber and on December 7 by the Senate by large majorities after debates filled with expressions of good will for Great Britain. Ratifications were exchanged on December 8. The Anglo-French entente was strengthened by the enthusiastic reception of King Edward in Paris in April.—On November 21, Prince George of Greece issued a memorandum to the powers urging the union of **Crete** with the Hellenic kingdom. In February Great Britain, France, Italy and Russia definitely declined to accede to the proposition. In March the revolution in Crete culminated in a provisional assembly which elected a president who issued a proclamation addressed to the foreign consuls announcing the union of Crete with Greece. Prince George, being informed that the powers had instructed their contingents to restore order, called on the revolutionists to lay down their arms. The agitation for union nevertheless continued, and on April 20 the Cretan chamber again declared for union. Two days later Prince George com-

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municated to the chamber a statement of the powers reiterating their former refusal to accede to the union.—In February the new German **commercial treaties** with Austria-Hungary, Rumania, Switzerland, Belgium, Russia, Italy and Servia were ratified by the German Reichstag. The treaties will go into effect March 1, 1906, and are terminable after ten years. In most cases the new conventional tariff represents a considerable advance in rates over the old. This is especially true of rates on agricultural produce.

AMERICAN INTERNATIONAL RELATIONS.—In February the German settlers in **Samoa** petitioned the German Reichstag to take measures to secure the payment by the United States and Great Britain of the indemnity awarded to them by King Oscar of Sweden in October, 1902. The claims of the settlers amounted to about $120,000, a sum regarded as excessive by the two governments. On March 30, Foreign Secretary Baron von Richthofen stated in the Reichstag that Great Britain and the United States had offered $40,000 in payment of the Samoan claims, and that the offer had been accepted by the German government. In April it was rumored that the German government had notified the government of the United States that the existing tariff agreement between the two countries would terminate March 1, 1906. This was later denied by the German foreign office, although it was admitted that the German government was preparing to negotiate for a more favorable commercial treaty with the United States.—Parcels-post conventions between the United States and Belgium and between the United States and Great Britain were signed November 19 and February 17.—A reciprocity treaty between the United States and **Newfoundland** was reported in the Senate February 4. The treaty provided for the admission into the United States of fresh fish, frozen fish and coal from Newfoundland duty-free, and reduced duties on all articles of American manufacture imported into Newfoundland. In consequence of amendments to the treaty made by the United States Senate, the treaty was dropped by Newfoundland, and in retaliation for the mutilation of the treaty, Premier Bond introduced in the Newfoundland legislature a bill increasing the stringency of the bait act against American fishing vessels. The bill was passed in the upper house on April 18, amended so as to permit the suspension of its operation at the discretion of the government.—On February 8 the Privy Council of Great Britain rendered its decision in the Gaynor and Greene extradition case, reversing the judgment of Justice Caron of Quebec, rendered August 13, 1902.—In December it was rumored that an arrangement was to be made whereby the United States would take charge of the customs revenues of **Santo Domingo**, with the purpose of liquidating the debts of the republic. Commander Dillingham, U. S. N., was in January despatched to Santo Domingo to relieve Mr. Abbott, who had been acting as representative of the United States at Puerto Plata in collecting customs revenues on behalf of American claimants. On January 21 a protocol was signed by representatives of the

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Dominican government, by Mr. Dawson, the American minister, and by Commander Dillingham. Under the provisions of this protocol the American government guaranteed the integrity of Dominican territory and agreed to undertake the adjustment of all obligations of the Dominican government, foreign and domestic. The American government was to take charge of the custom houses, delivering 45 per cent of the customs revenues to the Dominican government and applying the remaining 55 per cent to cover the expense of maintaining the custom houses and to provide for interest and amortization of foreign and domestic debts. The arrangement was to go into effect February 1. Upon the unofficial publication of the protocol, determined opposition to the plan developed in the United States Senate, and it was charged that the president had exceeded his constitutional powers in putting into operation a virtual treaty. It was explained by the state department that in fixing February 1 as the date on which the protocol should go into effect the American representatives had disregarded their instructions; and on January 27 it was announced that the protocol had been repudiated by the American government and that a treaty embodying its principal features would be submitted to the Senate. On February 15 the Santo Domingo treaty was laid before the Senate by the president, with a message urging its ratification. No action having been taken upon the treaty during the regular session, the Senate was reconvened, March 6, in extraordinary session for its further consideration. After radically modifying the treaty the Senate adjourned March 18 without taking action upon it. A new compact was reported March 25 for the temporary adjustment of the fiscal conditions of the republic. By the terms of this compact, fiscal commissioners were to be appointed by the president of Santo Domingo upon the nomination of the president of the United States. On April 1 a decree was published by the government of Santo Domingo announcing that the new customs arrangement had gone into effect. G. R. Colton was designated by Secretary Hay as chief collector of the customs. By this arrangement satisfaction of the claims of Dominican creditors is suspended temporarily, and the sums set aside for the liquidation of the debts are to be deposited in an American bank. On April 4 it was reported that the association of Belgian holders of Dominican bonds, who represent the largest creditors of the republic, had refused to accept the plan, and had suggested to President Morales and Minister Dawson the propriety of paying to the Belgian minister in their behalf $25,000 monthly. No action has been taken with regard to this suggestion, and the situation, it is expected, will remain unchanged until the United States Senate takes definite action upon the treaty.—Early in the year friction between the United States and **Venezuela** was occasioned by a suit brought by the latter government in the Venezuelan supreme court for the revocation of the charter of the American Asphalt Company. President Castro proposed to provide for permanent arbitration of all issues between the two governments; but such an arrangement was regarded by the United States as unnecessary,

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since both countries are signatories to the general arbitration treaty resulting from the last Pan-American Congress. On February 16 the supreme court of Venezuela reaffirmed its decision sequestrating the lands of the American Asphalt Company. In reply to a note from Minister Bowen inquiring whether Venezuela would submit the questions pending to arbitration, President Castro declared that the asphalt cases must be adjudicated in the Venezuela courts.—In April sensational charges made by President Castro against Francis B. Loomis, assistant secretary of state and formerly minister to Venezuela, were reported to the state department by Herbert W. Bowen, minister to Venezuela; and in some way these charges found their way into the American press. It was alleged that Mr. Loomis, while acting as minister to Venezuela had obtained pecuniary benefits from the New York and Bermudez Asphalt Company; that he had purchased a claim against the Venezuelan government and had used his influence as minister to secure its payment; and that he had agreed to adjust a claim against the government amounting to $10,000,000 for a consideration of $1,400,000. The charges were denied by Mr. Loomis, and on April 29 Minister Bowen was ordered to return to Washington.—In March President Castro ordered the annulment of the contract of the French Cable Company and the cutting of its cables. A complaint was lodged with the United States by the French government; and on March 20 seizure of the property of the company led to an ultimatum from the French minister and to an order for French warships to proceed to La Guayra. On March 31 the Venezuela supreme court decided that the French Cable Company had forfeited its charter through failure to fulfil its terms. In March the Dutch government lodged complaints with the Venezuelan government relative to the persecution under which Dutch citizens have suffered. Italy also protested against the seizure of mining property and the killing of Italian citizens by the revolutionists. In March the foreign holders of Venezuelan bonds came to terms with President Castro on the basis of the Hague stipulations. Relations between Colombia and Venezuela have been strained for several weeks. President Castro refused to receive the representative of the former country and demanded a settlement for the damages Colombia is alleged to have inflicted on Venezuela by assisting the late Matos revolutionists.—In November the chargé of the American legation at Havana was directed to call the attention of the **Cuban** government to the unsatisfactory sanitary conditions in Santiago and other Cuban cities. A supplementary extradition treaty was signed December 6 by Secretary Hay and the Cuban minister. In March Secretary Taft upon the request of the Spanish minister at Washington notified the Cuban authorities that certain Spanish ordnance left in Cuba at the conclusion of the Spanish-American war remains the property of Spain and should be returned to that country.—March 29, in view of probable disturbances in **Haiti**, an American warship was ordered to Port au Prince to protect American interests.—In February it was reported that President Reyes of **Colombia** had submitted to the American

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government proposals for a reëstablishment of friendly relations. The proposals included the submission of the question of annexation to Colombia to a plebiscite in the republic of **Panama**, and in case Panama should vote to remain independent, a virtual indemnity from the United States in the form of a purchase, on liberal terms, of the Colombian islands of San Andres and San Luis. The state department was notified February 28 that Colombia had appointed a minister to the United States and would resume relations. In February Panama admitted responsibility for a part of the Colombian debt, but claimed that the proportion was then impossible to determine. European holders of Colombian bonds have supported the claims of that country.—In January it was reported that **Brazil** had determined to convert her legation at Washington into an embassy.—An extradition treaty between the United States and **Nicaragua** was signed March 1.—The resignation of W. W. Rockhill as director of the Bureau of American Republics was accepted on March 8 and on April 22 William C. Fox was chosen as his successor.—A treaty was signed in November between **Colombia** and **Ecuador** submitting the boundary dispute between the two countries to the decision of the German emperor.—On January 10 a treaty of peace and amity was signed between **Chili** and **Bolivia**. In February **Peru** lodged a protest against the treaty, objecting to Chili's right to construct a railway in territory claimed by Peru and also to her right to negotiate with Bolivia as to Tacna's frontier line, alleging that the said province was not Chilian territory.—Peru, Brazil and Bolivia have referred the differences respecting the boundaries of their respective countries to the arbitration of a commission presided over by the Apostolic nuncio.

PEACE CONFERENCE AND ARBITRATION TREATIES.—In December it was announced that President Roosevelt's proposal for a second peace conference at the Hague (see last RECORD, p. 727) had been accepted by the powers on condition that the date be left open and the subjects for discussion be settled by further negotiation. The acceptance of Japan was conditioned upon the exclusion of questions arising from the Russo-Japanese war. December 23 a second circular note to the powers from Secretary Hay suggested that the interchange of views relative to the formulation of a programme should be effected through the international bureau under control of the permanent administrative council at the Hague. At a meeting of members of Congress belonging to the American group of the Inter-parliamentary Union for International Arbitration held March 6, Chairman Bartholdt was authorized to appoint delegates to the convention to be held in September. It was further agreed that the American delegates should present three propositions, *viz.*: an invitation to the Central and South American countries to become members of the union; the extension of jurisdiction to the Hague Tribunal over specific matters of arbitration, through a general arbitration treaty; and the formation of an international congress to formulate and negotiate such a treaty.—During the period under review, **arbitration treaties** were signed between Belgium

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and Spain and between Great Britain and Austria-Hungary. Switzerland concluded similar treaties with Belgium, Great Britain, the United States, Italy, Austria-Hungary, France, Sweden and Norway. The United States government concluded treaties in November with Portugal and with Germany, and in December with Great Britain, Italy and Spain, similar in their terms to the treaty with France concluded November 1 (see last RECORD, p. 725). These treaties, along with several other arbitration treaties, were submitted to the United States Senate for ratification and were so amended that the President decided not to present them to the various countries with which they had been negotiated (see UNITED STATES, CONGRESS). Negotiations for an arbitration treaty with Russia were dropped in consequence of radical modifications made by the Russian government in the treaty proposed by the United States.

II. THE UNITED STATES.

THE ADMINISTRATION.—In December extensive **public land frauds** in Oregon were reported. Senator John H. Mitchell of Oregon and Congressman Binger Hermann, former commissioner of the general land office, were indicted on December 31 for complicity in the frauds. On February 13 a federal grand jury at Portland, Oregon, returned another indictment against Senator Mitchell and Congressman Hermann and an indictment against Congressman John N. Williamson. The accused were charged with conspiring to obtain possession of more than 200,000 acres of school and public lands situated in several states. On March 3 Congressman Hermann was indicted by a federal grand jury at Washington, D. C., on the charge of destroying public records. Land frauds have also been reported in Montana, Idaho and Washington. At the close of the period covered in this RECORD investigations were still in progress.—In February a protest was made by Bishop Hare of South Dakota against the **diversion of Indian funds** to the support of sectarian Indian schools. It appeared that out of $102,780 thus diverted all but $4,320 was for the benefit of Roman Catholic schools. It was claimed that the president in authorizing the payment of Indian funds to sectarian schools had disregarded the spirit of the laws governing the administration of these funds and it was alleged that undue political influence had been brought to bear upon the administration.—On December 13 I. C. Keller, president of the National Association of Letter Carriers, and Frank Cunningham, president of the National Association of Rural Free Delivery Carriers, were dismissed from the postal service on the ground of improper political activity.—The attorney-general rendered on February 2 an opinion holding that drawbacks may be allowed on exported flour made in part from imported wheat, and that the evidence of manufacturers' books of account may be used to establish the right to a drawback.—On December 7 the report of the secretary of the treasury was made public. The total receipts for the fiscal year 1904 were $684,214,373.74, and the total expenditures $725,984,945.65. The revenues for the

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fiscal year 1905 were estimated at $700,472,660.72 and the estimated expenditures were placed at $718,472,060.72. In the report of the bureau of corporations made public December 21 Commissioner Garfield recommended the enactment of a law compelling corporations engaged in interstate commerce to operate under federal franchises. During the winter the bureau of corporations made the beef trust the subject of a special inquiry, and submitted a report to Congress in March. The report stated that forty-five per cent of the meat slaughtered is controlled by the trust. It failed to disclose exorbitant profits enjoyed by the trust. The bureau has for some time been engaged upon an investigation into the operations of the Standard Oil Company. In its annual report transmitted to Congress December 19 the Interstate Commerce Commission made its usual request for power to fix railway rates. In February Attorney-General Moody instituted an investigation of alleged discriminations in freight rates by the Santa Fé railroad. Violations of the Elkins law were admitted on April 18 by Victor Morawetz, chairman of the executive committee of the Santa Fé road. Interest in the case was heightened by the fact that Paul Morton, secretary of the navy, was vice-president of the Santa Fé system during part of the time when the alleged discriminations were made.—On March 6 a large number of important appointments were laid before the Senate. These included: **members of the cabinet**: John Hay, District of Columbia, secretary of state; Leslie M. Shaw, Iowa, secretary of the treasury; William H. Taft, Ohio, secretary of war; William H. Moody, Massachusetts, attorney-general; George B. Cortelyou, New York, postmaster-general; Paul Morton, Illinois, secretary of the navy; Ethan A. Hitchcock, Missouri, secretary of the interior; James Wilson, Iowa, secretary of agriculture; Victor H. Metcalf, California, secretary of commerce and labor; and the following **diplomatic appointments**: as ambassadors: Whitelaw Reid, New York, to Great Britain; Robert S. McCormick, Illinois, to France; George V. L. Meyer, Massachusetts, to Russia; Edwin H. Conger, Iowa, to Mexico; Henry White, Rhode Island, to Italy; as envoys extraordinary and ministers plenipotentiary: William Woodville Rockhill, District of Columbia, to China; David J. Hill, New York, to the Netherlands; Henry Lane Wilson, Washington, to Belgium; William Miller Collier, New York, to Spain; Brutus J. Clay, Kentucky, to Switzerland; Thomas J. O'Brien, Michigan, to Denmark; Charles E. Graves, Minnesota, to Sweden and Norway; Edward C. O'Brien, New York, to Paraguay and Uruguay; John B. Jackson, New Jersey, to Greece and Montenegro; John W. Riddle, Minnesota, to Rumania and Servia; Samuel R. Gummere, New Jersey, to Morocco.

THE DEPENDENCIES.—In his annual report, made public November 28, Secretary Taft estimated the military expenditures for the **Philippines** at $72,700,000 for 1906 as against $77,700,000 for 1905. He recommended that the Philippine Commission be vested with power to amend the Philippine customs laws upon the approval of the president of the United States. The Philippine Promotion bill (see RECORD, June, 1904, p. 340), providing

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that the Philippine government might guarantee interest, not to exceed four per cent, on railways built in the archipelago, and exempting from taxation all bonds issued by the Philippine and Porto Rican governments, passed the Senate December 16. Reform of the tariff relations between the United States and the Philippines was a prominent subject of discussion in Congress. Secretary Taft urged material reductions on Philippine products imported into the United States, but measures designated to effect such reductions failed to secure definite action. In a hearing before the Ways and Means committee Secretary Taft declared that it is the policy of the administration to grant ultimate **independence to the Philippines,** although later he explained that this did not imply any change in the near future in their status. On March 28 Governor-General Wright issued a proclamation announcing that in two years, provided peace prevails, elections would be held for a **general assembly** of the Philippines. Sporadic outbreaks have occurred in various districts; but tranquility has generally prevailed and business conditions have steadily improved.—The House of Delegates of **Porto Rico** adopted February 13 a resolution protesting against accounts published in the American press attributing to the House sentiments of hostility toward the American people. Extensive strikes occurred about the middle of April with serious collisions between the strikers and the insular police.

PANAMA AND THE ISTHMIAN CANAL.—In November disturbances appeared to be imminent in the republic of Panama. At the request of Minister Barrett two hundred marines were landed at Panama and order was maintained. On November 27 Secretary Taft arrived at Colon and succeeded in allaying the discontent which had been created by the application of the Dingley tariff rates to the canal zone. Among the concessions promised by Secretary Taft and later granted by the president were absolute free trade between the canal zone and the republic of Panama; the exclusion of trade from the ports created by the United States at the ends of the canal, construction supplies and articles in transit excepted; the control of the postal service in the canal zone by Panama, stamps to be furnished by the republic at a uniform rate of two cents for Panama and the canal zone. Panama agreed to reduce her tariff rates from 15 to 10 per cent *ad valorem*, and to reduce her port charges to 60 per cent of the present rates. Complete jurisdiction as to sanitation and quarantine regulations was granted to the United States in the harbors of Colon and Panama. An opinion was rendered December 27 by Frank L. Campbell, assistant attorney-general for the interior department, holding that the laws of the United States are not applicable in the canal zone. On April 19 an opinion was rendered by Attorney-General Moody to the effect that the law under which the government of the canal zone has been administered, though enacted only for the period ending within the last session of the Fifty-eighth Congress, continues in operation in consequence of the failure of Congress to enact further legislation on the subject. On November 17 F. J. Hecker

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resigned from the **Panama Canal Commission.** In February and March it was rumored that lack of harmony among the members of the commission was seriously impeding operations, and that President Roosevelt was thoroughly dissatisfied with the constitution of the commission. March 29 the members of the commission tendered their resignation at the request of the president, and on April 3 the membership of the new commission was announced: Theodore P. Shonts, chairman; Charles E. Magoon, governor of canal zone; John F. Walker, chief engineer; Rear-Admiral M. T. Endicott, U. S. N.; Brig.-Gen. Peter C. Hains, U. S. A., retired; Col. Oswald H. Ernst, Corps of Engineers, U. S. A., and Benjamin M. Harrod. The three members first named form an executive committee, the other four members acting in an advisory capacity. March 2 the appointment of H. A. Gudge, of North Carolina, to be judge of the supreme court of the canal zone was announced. In April it was reported that 5000 men were at work on the canal. The sanitary conditions were said to be generally favorable although cases of yellow fever were not infrequent. On March 31 it was announced that all save five of the 275 shares of stock of the Panama Railroad Company still outstanding had been purchased on behalf of the United States government. Early in April a memorandum was submitted to Secretary Taft by the ministers of the west-coast South American and of the Central American republics requesting more favorable trade regulations across the isthmus, and suggesting the propriety of reducing rates on the Panama railway and of granting equal treatment to ships and goods of all nations. Special Commissioner Bristow, who had been appointed to investigate the management of the Panama railroad, reported on April 11 that the road was working under a contract with the Pacific Mail Company which practically destroyed all competition. The determination of the government to do away with all discrimination was announced April 25 by Secretary Taft.

CONGRESS.—On December 5 the Fifty-eighth Congress assembled in its last session. The **annual message** of the president was submitted December 6. The leading place was given to a discussion of industrial problems. Legislation for the control of large capital was urged, and emphasis was laid upon the need for such regulation of interstate commerce as would do away with the rebate evil. A plea was made for a powerful navy, and attention was called to the need of more officers for the army. In regard to the Philippines the hope was expressed that the islands may ultimately be placed in a relation to the United States analogous to that held by Cuba. While denying any desire on the part of the United States to encroach upon neighboring countries, the message warned such countries that chronic disorder may ultimately render necessary intervention by the United States.—The most important subject under discussion in Congress was the **regulation of railway rates.** Two important bills were laid before the House, the Hepburn interstate commerce rate-regulation bill and the Townsend-Esch freight-rate bill. The former measure proposed to abolish the present Interstate Commerce Commission and to create another commission consisting

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of nine members. It also provided for a court of commerce to be composed of five circuit judges of the United States, which should have all the powers of circuit courts, to sit as a court of equity and to have original and exclusive jurisdiction in all suits involving interstate commerce rates. The object of the Townsend-Esch bill was to clothe the Interstate Commerce Commission with power to regulate rates and schedules. This measure also provided for a court of transportation constituted similarly to that proposed by the Hepburn bill, and provided for appeals from the decisions of the court to the supreme court of the United States. On February 9 the Townsend-Esch bill passed the House by a vote of 326 to 17. The Senate, however, took no action upon the measure, but on February 24 adopted a resolution that the Senate committee on interstate commerce should sit during the recess to consider plans for railway regulation. **The Statehood bill** (see RECORD of June, 1904, p. 340) was favorably reported by the Senate committee on territories, December 15. On February 7 the Senate passed the bill, amended so as to admit Oklahoma and Indian Territory as one state, and New Mexico as another, with the proviso that the state of Oklahoma should embody in its constitution an article prohibiting the sale of alcoholic liquors for twenty-one years. The House refused to accept the bill in its amended form. Much of the time of the regular session was occupied by the discussion of the **general appropriation bills**. The naval appropriation bill carried $100,336,879 and authorized the construction of two new battleships. On February 16 by a vote of 261 to 5 the House returned to the Senate the agricultural appropriation bill, on the ground that amendments made by the latter body represented original revenue legislation. On the following day the Senate struck out the objectionable amendments. Much unfavorable comment was occasioned by the insertion in the general deficiency bill by the House of a provision for $190,000 mileage for the constructive recess (see RECORD of June, 1904, p. 339). This provision was stricken out by the Senate.—On December 13 the House voted to impeach Judge Charles Swayne (see RECORD of June, 1904, p. 341). The Senate sitting as a court of impeachment, voted the acquittal of Judge Swayne February 21.—The discussion of the **arbitration treaties** negotiated with France, Great Britain, Germany and other countries (see PEACE CONFERENCE AND ARBITRATION TREATIES above) developed much friction between the Senate and the executive. It was stated early in February that the Senate intended to amend the treaties so as to provide for the submission to the Senate of each claim to be arbitrated. In a letter to Senator Cullom, dated February 10; the president declared that the treaties would be dropped if amended in such manner. The simultaneous appearance of this letter in the public press occasioned great indignation in the Senate, and the amendment was carried by a vote of 50 to 9, and the treaties thus amended were ratified. The friction between the two branches was increased in the discussion of the Santo Domingo protocol (See AMERICAN INTERNATIONAL RELATIONS). In February the Senate committee on the

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judiciary presented a report on the question of appointments made in the **constructive recess**. The report denied that the president had a right to construe a recess (see RECORD of June, 1904, p. 339).—The Smoot investigation (see RECORD of June, 1904, p. 341) was continued. Definite action on the matter was postponed to the next Congress.—Bills which excited great popular interest but which were postponed for future action were the Platt bill to reduce representation in Congress and in the electoral college of those states which abridge the right of manhood suffrage; the shipping subsidy bill; a bill to limit the application of injunctions in labor disputes; and a bill for the government of the Isthmian canal zone. Measures were passed for the codification of the laws of Alaska, for the revision of the trademark laws, for transferring jurisdiction of the forest reserves from the department of the interior to the department of agriculture, and for the extension of the extradition laws of the United States to the Philippines. By a joint resolution of Congress the return of the captured Confederate battle flags to their respective states was authorized.

THE FEDERAL JUDICIARY.—The supreme court has rendered a number of decisions relating to industrial combinations of various kinds. In Aikens *v.* Wisconsin it sustained a Wisconsin statute imposing a fine on two or more persons combining wilfully or maliciously to injure the business or reputation of another. The Texas anti-trust acts of 1889, 1895 and 1899 were upheld in The National Oil Company *v.* Texas. In Smiley *v.* Kansas it was decided that the police power of the state extends to the prohibition of secret arrangements by which, without any merger of interests through partnership or incorporation, an apparently existing competition among all the dealers of a community in a necessary of life is substantially destroyed. The case which attracted the most public attention was Swift and Company *v.* The United States, decided on January 30. In this case the court held that it was in violation of the anti-trust act of 1890 for a dominant proportion of fresh-meat dealers in the United States to combine to control bidding, regulate prices, restrict shipments, secure unlawful rates from railways and monopolize commerce among the states with a view to the exclusion of competitors. It was also maintained that it does not matter that such a combination primarily embraces monopoly and restraint of trade in but a single state if it be also directed against commerce among the states. On April 17 the supreme court affirmed the decision of the circuit court of appeals and issued the mandate in the Northern Securities case (see last RECORD, p. 733).—In the Central Railroad of Georgia *v.* Murphey the court declared void, as violating the commerce clause of the constitution, a Georgia statute imposing on the initial carrier or any connecting carrier the duty of tracing freight and informing the shipper concerning damages and losses sustained, in so far as the statute applied to interstate commerce. In Olsen *v.* Smith it was maintained that state laws regulating pilotage, though a regulation of commerce, come within the powers which states may exercise until Congress acts in the matter. In

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American Express Company *v.* Iowa it was decided that a package of intoxicating liquor sent c. o. d. from one state into another through an express company cannot be seized under a prohibitory law prior to the actual delivery to the consignee. In Kehrer *v.* Stewart the court sustained the right of a state to classify occupations and impose different taxes upon different occupations.—A new restriction is imposed on state labor legislation by the decision of the federal supreme court in Lockner *v.* The State of New York, holding invalid a statute of New York forbidding the employment of any workman in a bakery for more than sixty hours a week. The basis of the decision is that the statute deprives the individual of a part of the liberty guaranteed by the fourteenth amendment. There was a strong dissent by Justices Harlan, White, Day and Holmes.—In Northern Pacific Railway Company *v.* American Trading Company it was held that it was not illegal to export articles that are contraband of war, and that a collector cannot lawfully refuse a clearance to a vessel on the ground that it has contraband on board.—The supreme court has issued an injunction against the striking drivers in Chicago, taking jurisdiction on the ground that the employers association is incorporated in West Virginia.

STATE AND MUNICIPAL AFFAIRS.—In the **Colorado** gubernatorial election in November Mr. Adams, the Democratic candidate, carried the state by an apparent majority of about 15,000. The Republican candidate for reëlection, Governor Peabody, alleged gross frauds and announced his determination to contest the result of the election. Counter charges were made by the Democrats, alleging frauds practiced by their opponents. Many cases of bribery, of intimidation and of tampering with ballot boxes were disclosed, and a number of election officers and others were arrested and imprisoned for violating the federal election laws and for disregarding injunction orders of the Colorado supreme court. On December 17 was announced a decision of the Colorado supreme court to throw out the vote of four precincts in the city of Denver on the ground that wholesale frauds had been committed. The effect of this decision was to give control of the legislature to the Republicans. It was announced December 23 that the Republican leaders had decided to contest the election of Adams before the legislature. After canvassing the vote, January 7, the legislature seated Adams as governor, Ex-Governor Peabody contesting. The gubernatorial contest committee of the legislature after canvassing the returns reported that neither Adams nor Peabody had been elected, and that therefore Lieutenant-Governor McDonald (Republican) should assume the office. On March 13 the Colorado supreme court ruled that the legislature could not legally adopt this report. The legislature thereupon voted to seat Peabody, with the understanding that he would immediately resign the office. On March 17 Governor Peabody resigned and Lieutenant-Governor McDonald was sworn in as governor.—Prolonged senatorial deadlocks occurred in the legislatures of **Missouri** and **Delaware**. The Missouri legislature on the sixty-seventh ballot elected William Warner (Republican) to

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succeed Senator Cockrell. The Delaware legislature adjourned on March 23 without electing a senator.—In the **New York** legislature a bill imposing a stamp-tax of two cents per hundred dollars par value on the sale or transfer of stock securities passed both houses. Another revenue bill passed provides an annual state tax of five mills in lieu of all other taxation of mortgages recorded after July 1, 1905, one-half of the proceeds to go to the state, one-half to the locality. The Greater Pittsburg bill providing for the consolidation of the cities of Pittsburg and Allegheny was passed on April 4 by the lower house of the **Pennsylvania** legislature by a vote of 156 to 10.—The **Kansas** legislature on February 9 passed an equal suffrage bill granting women the right to vote for presidential electors in Kansas. In **Minnesota** a constitutional amendment abolishing the grand jury system was carried by 121,000 majority. The states of **Indiana** and **Washington** enacted laws establishing bipartisan railway commissioners appointed by the governors.—In January charges of wholesale bribery were made against the **Illinois** legislature by Representative Frank D. Comerford in a public address. The charge was investigated by a special committee of the House, which declared it to be unfounded, and Representative Comerford was expelled from the legislature on February 8. In the April elections Mr. Comerford was reëlected to the legislature.—In **New York City** the board of estimate appropriated $600,000 in February, to build a municipal lighting plant, on the ground that the lighting companies had become a monopoly and were extorting excessive charges from the city. In March a committee of the New York Senate was appointed to investigate the lighting situation in New York City. The facts brought before the commission showed that the lighting companies are at present a complete monopoly, that certain of the franchises under which the combination operates have already expired, that the values placed upon its tangible assets are greatly inflated and that charges for gas and electric light are exorbitant.—In the **Chicago municipal elections** held April 4 Judge Edward F. Dunne (Democrat) was elected mayor by a plurality of 24,248 votes. The chief issue in the campaign was the municipalization of the street railway system. The Republican candidate, John M. Harlan, was pledged to municipal ownership, but proposed first a referendum vote and, in case of popular approval of municipal ownership, the creation of a competitive traction system or the renewal, with adequate remuneration to the city, of the expiring railway franchises. Judge Dunne's programme involved the immediate purchase or condemnation of the tangible property and unexpired franchises of the railway companies, at a cost estimated at about $150,000,000. Since the election Mayor Dunne has announced his expectation that municipalization will be accomplished within the next two years. The plan includes a great subway and the building of competitive lines if the traction companies are unwilling to dispose of their properties at a fair price. On April 20 it was reported that Mayor Dunne was taking steps to secure the passage of a law to enable the city of Chicago to engage in the manufacture of gas in competition with the private companies, which enjoy a perpetual franchise.

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THE TRUST PROBLEM.—During the winter much hostility to the **Standard Oil Company** has been manifested in Kansas and in other states. Suit has been brought by the state attorney-general for the appointment of a receiver to oust the company from Kansas. Three measures directed against the oil trust passed the legislature: one for building a branch penitentiary in the oil country to be equipped for the refining of oil; another declaring pipe lines common carriers, and a third prohibiting discrimination in rates by railways or pipe lines. In the Illinois legislature a resolution was passed for an investigation of the laying of pipe lines in the state by the Standard Oil Company. The attorney-general of Missouri filed on March 17 an application for an order to the Standard Oil Company and subsidiary companies to give testimony regarding alleged control of prices of oil in the state of Missouri. In Kentucky numerous indictments have been returned against the Standard Oil Company charging it with failure to take out peddler's licenses as required by the Kentucky statutes.—The Arkansas legislature early in March passed a law designed to prevent agreements upon uniform rates by fire-insurance companies.—On January 30 the United States supreme court affirmed the decision by United States Circuit Judge Grosscup of Chicago granting an injunction against the **beef trust**, prohibiting the continuance of a combination to suppress competition in the purchase of cattle and to maintain prices. In April an investigating committee of the Texas legislature reported that this trust represented a combination to control prices, in contravention of the state anti-trust law. In Chicago the federal grand jury instituted an inquiry into the conduct of the beef trust; and it is reported that the federal grand jury in New York City is to carry on a similar inquiry.—Bills for the control of trusts passed the lower houses of the Illinois, Michigan and New Jersey legislatures. The constitutionality of the Valentine anti-trust law was upheld by the supreme court of Ohio. (See also FEDERAL JUDICIARY and THE ADMINISTRATION.)

LABOR AND CAPITAL.—Through the mediation of Governor Douglas of Massachusetts the **Fall River textile strike** (see last RECORD, p. 734) was settled on January 18. The strike had been carried on through six months and although the employers repeatedly attempted to operate the mills with non-union labor, very little violence occurred. The cost of the strike in wages alone was estimated at about $3,000,000, and although the workers were reduced in many cases to destitution, desertions from the ranks of the strikers were rare. Under the award of Governor Douglas the workers accepted the 12½ per cent reduction in wages against which the strike was originally directed. It was agreed that no discrimination should be made against workmen because of their participation in the strike, and it was further agreed that the governor should investigate the relations of cost and prices and submit his conclusion as to a basis on which a dividend on wages should be paid.—The **building trades of New York** have been disturbed by an unusual number of strikes and lockouts, by struggles between rival unions and by discord among the employers. In January the

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largest central body ever organized in the building trades of New York city, the Associated Building Trades, was formed with the object of securing a new agreement with the employers relative to the arbitration of labor disputes. Toward the end of April a new arbitration agreement was signed by the Building Trades Employers Association and the Associated Building Trades. On April 28 the employers' association ended the lockout of the Brotherhood of Carpenters and the Amalgamated Carpenters Society, which has lasted for nine months. It is expected that under the new agreement the relations between the employers and the employed for the coming year will be harmonious.—On March 6 a strike was declared by the employees of the **Manhattan subway and elevated systems.** The demands of the men included an increase in wages, a shorter working day and the substitution of a road test for the physical examinations required by the company. In anticipation of the strike the railway company had brought from other cities a body of strikebreakers, who promptly undertook the operation of the trains. Within a few days the ranks of the strikers began to break and by March 11 a large number of them had returned to work, on terms dictated by the company. The strike was repudiated by the national organizations to which the men belonged, because it was in violation of a two-year agreement signed by the men some months previously; and the charter of the local union of the Brotherhood of Locomotive Engineers was revoked.—**In Chicago** early in the winter a hundred garment workers in the employ of Montgomery Ward and Company went on strike against the open shop. A sympathetic strike of teamsters employed by the same company was called on April 7. Throughout the month the strike was characterized by disorder and violence, one man having been killed and a large number seriously injured. Repeated offers of mediation were made by Mayor Dunne but were rejected by the employers. At the close of the period under review the teamsters' strike had been extended to a number of other firms, 3100 teamsters being reported on strike on April 27. On the same day the employers' association was said to have raised a fund of $1,000,000 to fight the unions.—The **Colorado strike** (see last RECORD, p. 783) was called off on November 30. The workmen claimed that they had won their cause, the employers having conceded an eight-hour work day and the minimum wage originally demanded by the miners. The cases of thirty-seven men accused of complicity in the Victor rioting were dropped on November 18. The Victor Fuel Company filed suit on December 7 at Trinidad against the United Mine Workers of America for $491,000 damages sustained in the strike of coal miners.—At Newport, Kentucky, several attempts to blow up an iron and brass foundry whose workmen were on strike were reported in November and December, and Joseph Valentine, president of the Iron Moulders' Union of America was arrested for complicity in the outrages. At Zeigler, Illinois, a car bringing Italian strike breakers to replace union workers at the Leiter mine was fired upon from ambush, November 17, and one Italian was killed.—In November a convention of the **American Feder-**

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ation of Labor was held at San Francisco. In an address before the convention President Gompers stated the membership of the federation to be 1,750,000. Most of the attention of the convention was given to questions of jurisdiction between unions.—The **Citizens Industrial Association**, an organization whose object is to secure united action of employers against the combinations of labor, held a convention at New York on November 29. Much of the time of the convention was given to attacks upon the "closed shop."—On December 15 August Belmont was elected president of the **Civic Federation**. The federation has been vigorously attacked both by employers' associations and by labor unions.—Several **judicial decisions** affecting labor have been handed down during the period under review. On November 29 the New York court of appeals declared unconstitutional chapter 415 of the laws of 1897, which prohibits a contractor from employing his men more than eight hours a day on city, county or state works. On December 22 the appellate division of the New York supreme court held void a contract between a firm of clothing manufacturers and a labor union, by the terms of which the firm was prohibited from employing laborers not members of the union. On December 16 it was decided by the appellate division of the New York supreme court that labor unions may within reasonable limits lawfully strike, boycott and picket. Early in December Judge Hebbard of the supreme court of California handed down a decision declaring picketing to be unlawful.—A great deal of complaint has been occasioned by the alleged laxity of enforcement of **child labor laws** in New York and in Illinois. In the latter state it was reported in December that 2500 boys were employed in mines in contravention of the statutes. (See also FEDERAL JUDICIARY.)

THE RACE PROBLEM AND LYNCHING.—On March 30 M. J. Hornsby, a negro, filed complaint that he was prevented by intimidation on the part of whites from assuming the office of assistant clerk in the post-office at Yazoo, Mississippi, a position to which he was legally entitled, having satisfactorily passed the civil service examinations.—In North Carolina a proposition to amend the constitution by striking out the words, "There shall be no discrimination in favor of, or to the prejudice of, either race," will be submitted to a vote of the people, the purpose of the amendment being to secure a division of certain school funds between the two races.—In Kentucky on February 21 Berea College was fined $1000 by the state circuit court for violation of the law prohibiting coeducation of the white and colored races.—In Maryland the court of appeals upheld in March the validity of the "Jim Crow" law so far as it affects commerce within the state, but held the law invalid so far as interstate commerce is concerned.—Several cases of **peonage** have arisen. In Alabama in the final report of a federal grand jury made on February 23, eight peonage indictments were returned. On March 28 the federal grand jury at Louisville, Kentucky, indicted the city of Louisville and the superintendent of the work-house for holding negroes in peonage. In April was reported the conviction in the

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United States court for the eastern district of Arkansas of several persons charged with violation of the law against peonage. At Trenton, Louisiana, on December 1, the United States deputy-marshal, who had been active in prosecution of peonage cases and had been warned to leave the district, was fired on from ambush and killed.—Six cases of **lynching** were reported, in Louisiana, Alabama and Texas. Four of the victims were negroes, two charged with murder, one with rape, one with assault upon a white man. At Lexington, Kentucky, troops were called out to prevent the lynching of two negroes charged with murder. In February at Jackson, Mississippi, an attempt to lynch a negro charged with assault upon a white woman was frustrated largely through the efforts of Governor Vardaman. In Mississippi Sheriff J. M. Poag was killed while defending a white prisoner from a mob. Lynchings were also attempted at Trinidad, Colorado, Columbus, Ohio, and Montgomery, Alabama.—In Mississippi a vigorous campaign has been carried on by both federal and state authorities against the **white cappers**. In January it was reported that the organization had been practically destroyed.

III. LATIN AMERICA.

In Argentina public tranquillity existed until February 4, when a revolt suddenly broke out in Buenos Ayres under the lead of certain radicals assisted by part of the military forces. The government immediately proclaimed a state of siege for thirty days, and on March 10 extended it for sixty days. The expenses of the affair will seriously embarrass the finances of the state.—Rioting began at Rio de Janeiro in **Brazil** on November 13, ostensibly in opposition to the compulsory vaccination law. In reality it seems to have been a movement on the part of military and political malcontents to oust the conservative government and establish a dictatorship. The president in a message to Congress declared that the chief hindrance to the restoration of order was the parliamentary privileges of the senators and deputies, and both houses by a large majority voted a state of siege for thirty days. Order was not entirely reëstablished until March.—The Congress of **Cuba** resumed its session on November 7. The message of President Palma dealt with the financial situation, education, the courts and the rural guard. On March 3 the Cuban cabinet was reorganized. Moderates in harmony with President Palma were given office, and only one member of the old ministry was retained. A week later the Congress adjourned, deferring action on important measures until the next session.—The government of **Chili** has decreed the closure of the schools conducted by the Christian brothers. In March the Chilean ministry resigned and a new cabinet was formed under Señor Balmaceda.—The term of the president of **Colombia** has been extended from four to ten years by a convention of the people.—Señor Lizardo Garcia was elected president of the republic of **Ecuador** on January 1 by the largest majority ever given to a candidate for that office.—On March 16 Señor Estrada Cabrera formally assumed the office of president of **Guatemala**, to which he had been reëlected by an overwhelming majority.—In December the **Haitian** court

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condemned Ex-President Sam to perpetual imprisonment and his ministers to terms of varying length for their action in the recent fraudulent bond issue. Most of the condemned had escaped the country before the trial.—General Diaz and Señor Carrol were inaugurated as president and vice-president of the republic of **Mexico** on December 1. The law reforming the Mexican currency system was passed in December.—Señor Gaona was elected president of **Paraguay** on December 20.—An attempt to assassinate President Morales of **San Domingo** was made on February 24. The relations with the United States, established by the Dominican government almost precipitated another revolution, but the movement was promptly checked by the action of both governments. The establishment of the American protectorate, relieving the Morales government from foreign complications, has resulted in a stronger internal administration and unprecedented order in San Domingo.—The chambers of **Uruguay** opened on February 17. The president's message dwelt upon the insurrection of last year and the successful pacification. Señor Campisteguy was elected president of the senate and *ipso facto* vice-president of the republic for one year.

IV. BRITISH AMERICA AND AUSTRALIA.

Lord Gray, the new governor-general of the **Dominion of Canada** (see last RECORD, p. 738) arrived on December 10 and was duly installed. The new Parliament opened January 12. The speech from the throne referred to the prosperity of the country and the large immigration of Americans into the Northwest. The principal measure to be submitted was the creation of new provinces in the northwest territories. This bill was introduced by Premier Laurier on February 21. It provided for the erection of two new provinces, Alberta and Saskatchewan. The proposal was complicated by the question of education and religion in the new provinces, and the whole subject has called forth a debate which is not yet ended. On July 1, the Dominion government is to take over the defences of Halifax and Esquimault, paying the costs and assuming control, thus allowing the withdrawal of British regulars from Canada.—At the parliamentary elections in Quebec, November 25, the Liberals were completely victorious, securing sixty-seven out of seventy-four seats. The opposition made no fight. The Ontario elections in the early part of February, however, resulted in the overthrow of the Liberals after thirty-two years' tenure of power.—The British Columbian legislature on April 8 passed a bill restricting Japanese immigration and forbidding their employment on public works. The Japanese consul-general will request the governor in council to disallow the bill.—**In Australia** the question of preferential rates and imperial relations has taken a prominent place in politics. On December 8 Mr. Deakin brought forward a preferential resolution in the federal House of Representatives at Melbourne. The premier, Mr. Reid, (see last RECORD, p. 739) favored reducing the Australian tariff against the motherland to a revenue basis. The prorogation of the Federal Parliament on December 25 put an end to the discussion without securing

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any marked results.—On February 8 there met at Hobart a conference of federal ministers and the premiers of the several Australian states for the discussion of certain important federal questions. The conference decided that the whole of the state debts are to be taken over by the Commonwealth when arrangements can be made; that the appointment of governors should remain with the imperial government; and that the time was not yet ripe for the appointment of a high commissioner. These proposals must be ratified by the state legislatures before going into effect.—The annual report of the West Australian government shows a net profit of £111,784 on the year's working of the railways, notwithstanding an increase in wages.—The parliament of **New Zealand** was prorogued on November 8. Important measures passed were licensing and mining companies acts. A protest was adopted against the introduction of Chinese labor into South Africa.

V. EUROPE.

GREAT BRITAIN AND IRELAND.—Parliament was opened on February 14 by the king in person. The chief legislative proposals advanced in the royal address were the rearrangement of electoral areas on the basis of recent movements in population, the alien immigration bill, the establishment of authorities to deal with the question of unemployment, and the extension of the workmen's compensation acts. The opening opposition speech by Sir Henry Campbell-Bannerman was largely devoted to the fiscal question. A Nationalist motion condemning the system of government in Ireland was lost by a vote of 286 to 236. An amendment declaring the expediency of checking rural depopulation and another criticizing the government's military policy were lost. Several attempts were made by the opposition to force the government to take a decided stand on **the fiscal issue.** On March 8 Mr. Winston Churchill introduced a motion directed against Mr. Chamberlain's policy, but the government moved the previous question and carried the division by a majority of 42. A second attempt was made on March 22 by a motion declaring that the imposition of a general duty not exceeding ten per cent on all imported manufactured goods would be injurious to the interests of the Kingdom. Mr. Balfour deprecated further academic discussion of the question, declaring that 11,000 columns of Hansard were already taken up by fiscal speeches. The government abstained from voting on the motion, which was carried by 254 votes against two. A third attempt at censure was met by the same tactics.—Mr. Balfour's program, which Mr. Chamberlain supports, contains the following proposals: fiscal freedom, permitting retaliation but imposing no tax except for revenue; closer commercial union with the colonies; a colonial conference of uninstructed delegates for the purpose of discussing imperial questions; and no increase of domestic prices in aid of home production.—A bill removing some of the limitations on trade unions imposed by the Taff Vale decision (see last RECORD, p. 738) passed the second reading in Commons on March 10. A measure modifying the workmen's compensation acts passed the second reading in the Lords on April 4.

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The Scotch Education Bill, dropped at the last session (see last RECORD, p. 737) was reintroduced on March 8. The act making women eligible to county and municipal councils, thrown out by the Lords at the last session, passed the second reading in Commons on March 31.—The annual budget statement was made by the chancellor of the exchequer on April 10. The past year closed with a surplus of £1,414,000. For the coming year the total estimated revenue is placed at £142,454,000 and the expenditure at £142,032,000. To the income-tax payer no relief is afforded, but there is to be a reduction of the tea duty by two pence a pound.—The municipal elections in England and Wales in November resulted in Liberal gains. The government met a serious defeat at the by-election on April 5 in Brighton, a former conservative stronghold.—During the winter the labor world was greatly disturbed owing to the unusual number of unemployed. Large funds were raised for relief, demonstrations were held at important industrial centres, and an attempt was made to secure an extra session of Parliament to consider the situation. A trade union deputation was received by Mr. Balfour on January 7, but he refused to commit himself to any radical action on the part of the state.—In March Mr. Wyndham, chief secretary for Ireland, resigned on account of the severe criticism which his policy and conduct had called forth. The vacancy was filled by the appointment of Mr. Long.—The condition created by the decision of the House of Lords in the Free Church case (see last RECORD, p. 739) was the subject of extended controversy, and preparations were made to submit the question to Parliament for settlement.—The future of the **Anglo-Japanese alliance** received considerable attention from political leaders and the press, and general opinion appeared to favor a continuation of the convention after the expiration of the stipulated five-year term. The fact that notice of termination may be made in January, 1906, would make the issue a vital one in case of dissolution. Mr. Balfour in an address at Southampton declared himself in favor of the maintenance of the present policy in the Orient, and Mr. Chamberlain announced that this policy had his support.

FRANCE.—Military and ecclesiastical affairs have been the most prominent political issues during the past six months. In November the minister of war, General André, was charged with employing a system of delation among army officers. An excited debate followed, in which General André declared that he had merely turned the instrument against those who had formerly used it with unrelenting persistence against the Republicans. During the debate, General André was assaulted by a Nationalist deputy, M. Syveton, who was immediately expelled by the Chamber. A vote of confidence in the government was passed after a noisy and scandalous sitting. Though the cabinet was strengthened by the affair, General André resigned in order to preserve the unity of the Republicans, among whom there was some dissatisfaction. The new minister of war on December 27 issued a circular absolutely forbidding the practice of delation in the army. On November 8 M. Syveton was found dead at his apartments under rather peculiar circumstances.—M. Combes replied to demands for his resigna-

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tion by presenting, on November 25, his plan for the **separation of church and state**. The bill was rejected by the committee of the Chamber to which it was referred, and the Deville measure, almost identical with it, was adopted on Friday, December 2. Opposition to M. Combes increased until on January 16 his majority in a house of 568 was only ten. Two days later the ministers tendered their resignations to President Loubet, M. Combes declaring, in a letter to the president, that his support had been disintegrated by "a coalition of impatient ambitions and of Clerical and Nationalist hatred." A new ministry headed by M. Rouvier was immediately organized. MM. Delcassé and Berteaux were retained as ministers of foreign affairs and war respectively. The new premier submitted his program, which included an income tax, the separation of church and state, workingmen's pensions, and a reduction of the term of military service; and on January 22 an almost unprecedented vote of confidence was passed in favor of the new ministry, showing that the former opposition was personal rather than political. On February 9 the Rouvier ministry presented to the Chamber the new plan for the separation of church and state, and on the following day the Chamber on an order of the day vote declared the separation to be necessary. The new measure contemplates complete abolition of the concordat by which the relations of France and the church are at present regulated; the suppression of all government aid to religious sects and functionaries; the subjection of ecclesiastical associations to the same laws as other civil corporations; pensions for present incumbents; and the transfer of ecclesiastical property to societies formed for the purpose of maintaining religious exercises. Debates began at the end of March and two clauses of the bill were passed before the adjournment for the spring holidays. The French legislature had also under consideration a two-years' military service law. On February 16 the Senate closed the discussion of the project by a favorable vote of 239 to 37, and on March 17 the Chamber accepted the measure by a vote of 519 to 32. The new law goes into effect at the expiration of one year.—On April 19, M. Delcassé's conduct of foreign affairs was attacked in the French chamber in connection with the Moroccan question. (See above, INTERNATIONAL RELATIONS IN AFRICA.)—On April 22 he tendered his resignation to Premier Rouvier; but on the following day, being assured of the support of the premier and the cabinet, he withdrew his resignation.

GERMANY.—The Reichstag convened December 1. As usual the debates on the imperial estimates were utilized by all parties to discuss the policy of the government and the general political situation. The chief points of attack were the imperial foreign policy, the treatment of Russian students in Germany, and the proposed increase in army and navy expenditure. Count von Bülow declared that the government should not make common cause with the Russian revolutionary students who misused German hospitality, and he reproached the socialists with advocating peace and at the same time advising the government to pursue a policy that would lead to trouble with Russia. On its reassembly after the Christmas holidays the Reichstag discussed the commercial treaties with Russia,

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Rumania, Belgium, Italy, Switzerland, Servia and Austria-Hungary. The opposition came especially from the industrial interests, on the ground that too little consideration was shown to German exports. The attempt to block the treaties failed. The miners' strike brought up the question of the relation of the government to industry, the Socialists and Clericals supporting the cause of labor. Count von Bülow attributed the dissatisfaction among German workingmen to the interference of political parties in economic affairs; but the general result of the debate was to place the mine owners in an unfavorable light. A new army law was elaborated in the Reichstag and accepted on April 1 by the Federal Council without change. It proposes to raise the peace footing of the German army to 505,839 men by the end of 1909. After voting the supplementary budget of the empire and colonies, the Reichstag adjourned on April 7 until May 10.—The controversy over the **Lippe-Detmold** succession (see RECORDS of June, 1899, p. 381, and December, 1904, p. 743) has been brought nearer to a definitive solution. In the early part of November Prince George of the Schaumburg-Lippe line and the regent, Count Leopold of Lippe-Biesterfeld, were induced by the efforts of the imperial chancellor to refer the dispute to a court of arbitration. Meanwhile the Federal Council decided that, in the event of the death of the reigning prince before the court arrived at a decision, Count Leopold should continue to hold the regency. The troops in Lippe were then instructed to take the oath of allegiance. In December the king of **Wurtemberg** submitted to the Chambers of his realm a project reforming the constitution in a liberal sense by increasing the number of elected representatives and diminishing the number of those holding of right and of those chosen by the sovereign.—German coal and iron industries were seriously disturbed during January and February by a widespread coal strike aggravated by lockouts. The Prussian government has arranged an elaborate program of mining legislation restricting the arbitrary closing of mines by owners and regulating hours and conditions of labor. The general bill was introduced in the Prussian Diet on March 27. The Prussian government has taken steps to secure control of the Hibernia coal mines for the purpose of checking the coal syndicate.

AUSTRIA-HUNGARY.—The Austrian Cabinet reconstructed by Dr. von Koerber (see last RECORD, p. 745) was unsuccessful in the attempt to restore ordinary parliamentary conditions, and it was further weakened by its defeat in the budget commission of the Reichsrath. The Czech radicals, suspicious of the premier's efforts to reassure the German parties, renewed the policy of obstruction. Dr. von Koerber was forced to abandon the struggle, and on December 31 Baron Gautsch von Frankenthurm, a trusted adviser of the crown, was appointed premier. The members of the former ministry were retained. The new premier delivered a short address to the Austrian Chamber when it reassembled on January 24, pointing out the importance of regular parliamentary work in maintaining the balance of forces in the dual monarchy, and appealing to the Germans and Czechs to come to an agreement. He took a decided stand on the Hungarian question by declaring in the Austrian Reichsrath, on February 14,

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that the Austrian government upheld the legal basis created by the compact of 1867 but, if new conditions were proposed, it would know how to defend Austrian interests. On March 21 the Austrian Chamber decided to select a commission which should formulate a plan for regulating the political and commercial relations between Austria and Hungary.—In the **Hungarian Parliament** the conduct of public business has been seriously impeded by obstructionist tactics. In November the opposition demanded of the king the dismissal of Count Tisza, who sought to check obstruction by a reform of parliamentary rules. In December the Hungarian deputies wrecked the platform and furniture in the Chamber, hanged the premier in effigy and prevented the opening of Parliament. In January Parliament was dissolved as a result of the conflicts over procedure. In the ensuing **elections** the dominant issue was the integrity of Hungarian institutions. The outcome of the elections, which were completed on February 5, was the defeat of the government. This result was regarded as a condemnation of the dual system as well as of Count Tisza, and it gave impetus to the movement for Hungarian independence. The Tisza cabinet resigned on February 1, recommending Count Andrassy as the leader of a new ministry. It was regarded as one of the most significant events of the struggle that at Vienna on February 12 the Emperor Francis Joseph received Kossuth, who is the leader of the party of Hungarian independence and who has declared that there should be nothing in common between Austria and Hungary except the person of the sovereign and the obligation of mutual defence. Up to the close of this RECORD all attempts to form a cabinet had been unsuccessful. It was reported that the emperor's knowledge of the factions in the party of independence had strengthened his determination to resist its demands in military matters, and that the crown would accept no ministry whose program included Hungarian colors and Hungarian words of command in the army.

ITALY.—In the November elections (see last RECORD, p. 743) the second balloting on November 13 resulted in further Conservative gains. The Giolitti cabinet announced war against socialism as a part of its program. The new Parliament was opened on November 30. The king's speech announced that the government would continue the policy of "ample liberty within the strongly defended limits of the law;" that it would strive to conciliate the conflict between capital and labor by means of arbitration; and that it would undertake improvements in education. The speech concluded with a reference to the excellent financial condition of the country. Questioned regarding the action of the government during the September strike, Signor Giolitti responded that the failure to cope successfully with the difficulties had been largely due to want of means. He declared that it would be his policy to increase the military and police forces, and subsequently introduced a bill to give effect to these proposals. The financial statement of the minister of the treasury showed an excess of revenue over expenditure. The opposition of the radicals to the government was extremely vigorous, and on March 4 Signor Giolitti and the whole cabinet resigned. After an interim ministry under Signor Tittoni,

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which lasted only a few days, Signor Fortis was induced to take the leadership. There were five changes in the cabinet, all the new ministers belonging to the Left. Parliament reassembled on April 4. Signor Fortis announced the intention of the government to continue the policy of Signor Giolitti. The principal features of his program were summarized as the maintenance of a foreign policy based on existing alliances and friendships; the strengthening of the defensive resources of the country, especially of the navy; state management of the railways, maintenance of the sound financial situation and reform of taxation.—The Italian railway system has been disorganized since February by widespread strikes. On April 16 and 17 the strike became general throughout the country as a protest against the government bill dealing with the control of railway employees. There were collisions between the strikers and the troops, and a few rioters were killed. On April 19 the government's railway bill was carried in the Chamber by a large majority, the Republicans and Socialists voting against it. Two days later a committee of Socialist deputies obtained from Signor Fortis a promise to consider a scheme for the arbitration of differences between the railway men and the government, and the strike was brought to an end.—In December it was announced by the Paris *Gaulois* that the pope had issued a note to the cardinals abolishing the right claimed by France, Austria-Hungary and Spain to veto candidates for the papacy. On March 27, in a speech to the consistory, the pope declared himself opposed as ever to the rupture of the concordat between France and Rome, but announced that his worst fears were soon to be realized. The improved relations between the Italian government and the Vatican became the subject of comment in the clerical as well as the secular press. Attention was called especially to the attitude of the church in the recent elections and to the reception by the pope of members of the royal family.

RUSSIA.—Opposition to the war and increasing hostility to bureaucracy and even to autocracy, shading from a mild liberalism to thoroughgoing revolutionary socialism, antagonism between capital and labor, agrarian troubles and racial antipathies coöperated during the past six months to produce profound disturbances in Russian social and political life. The disturbances began in the early part of November with mobilization riots in the western provinces, which soon spread to other parts of Russia, even to the Balkan provinces. These were followed by revolutionary demonstrations on the part of students and workingmen in the great industrial centres. In southern Russia agrarian uprisings began and spread to other sections of the country. The liberal tendencies of Prince Sviatopolk-Mirsky (see last RECORD, p. 745) being known, all classes of society began to discuss measures of reform and the country was flooded with leaflets and proclamations. Criticism and opposition were augmented by news of reverses in the East. At the close of November there began a series of meetings, at first secret and then open, for the purpose of formulating demands for political and social reform. Prince Mirsky aroused further hopes of reform by removing a number of officials who had been

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guilty of harsh measures against Finns, Jews and Poles. On November 19 a council of zemstvo presidents met in St. Petersburg. On November 22 it demanded the establishment of official responsibility, civil and criminal; personal liberty, religious, civil and political, under the protection of the law; the equality of all citizens; the emancipation of the peasantry from their present administrative tutelage; the conversion of the zemstvos and municipalities into a popular representative institution; and the creation of a separate elective body to coöperate in the government of the state. On December 26 the czar issued a reform ukase. The document did not touch the question of a constitutional assembly; it favored the impartial administration of law and justice to all subjects alike, larger autonomy for local institutions, unification of judicial procedure and independence of the courts, state insurance of workmen, revision of the police laws, religious liberty and the removal of unnecessary restrictions on the press. The submission of this ukase to the council of ministers led to the belief that the basis was being laid for ministerial control. The political situation was complicated by strikes in St. Petersburg, which affected practically every trade in the city. The workmen drafted a petition demanding measures dealing with poverty and the oppression of labor by capital, guarantees of personal security, freedom of speech and assembly and worship, compulsory education, equality before the law, responsibility of ministers, a representative assembly and other reforms. On January 22 a delegation of working people, led by a priest, Father Gapon, was marching toward the Winter Palace to present their grievances to the czar when it was met by military forces and dispersed with great loss of life. This collision was followed by reaction and severe government in St. Petersburg and by sympathetic outbreaks in other places, especially in Warsaw and in the Baltic provinces. On January 24 the committee of ministers decided to make no concession and to suppress disorders at any cost. The difficulties were increased in Poland by the introduction of nationalist agitation into the economic controversy, which resulted in the establishment of martial law in many districts. In January the committee of the council, to which the czar's December ukase had been submitted, agreed upon the necessity of the internal reorganization of the Senate to disencumber the course of justice and administration; of facilitating the access of persons to the Senate in case of grievances against officials; and of direct relations between the Senate and the czar. The committee also recommended reform of the penal code and the preparation of measures establishing workingmen's insurance. These proposals received the sanction of the czar on January 29. Since then innumerable measures designed to ameliorate the condition of the working classes have been under consideration. Severe government, however, continued at the points of disturbance, and on February 1 Prince Mirsky resigned under the pressure of the reactionaries. He was succeeded by M. Boulighin, assistant to the governor-general, Grand Duke Sergius. This appointment was regarded as indicating a renewal of the policy of M. von Plehve (see last RECORD, p. 744). On February 1 the czar received a deputation of workingmen,

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but merely rebuked them for impatience and promised to bring about reforms. Political agitation was continued by the professional and working classes and many of the nobility, while the economic unrest was unabated. On February 17 Grand Duke Sergius was assassinated in Moscow and terrorist notices were said to have been issued to other members of the reigning family. The assassin, Kaleieff, was sentenced to death after a secret trial on April 18. In the latter part of February disorder spread to the frontier provinces, which have continued in a state of anarchy. To prevent the paralysis of the railway system martial law was extended over the whole service. The report that the czar contemplated issuing a decree ordering a general division of the lands led to renewed peasant uprisings in the southern provinces in February. The revolt extended as far as the Crimea. It was met on April 24 by a decree establishing a commission to investigate the disturbances and to charge the damages to the villages whose members were implicated. On April 1 an ecclesiastical agitation was added to the other factors of disturbance. An important group of clergy at the capital, supported by M. Witte, succeeded, in spite of the opposition of Pobiedonostzeff, in persuading the Holy Synod to recommend to the czar the calling of a council of the church to consider the relations of church and state. The council, it is said, will aim at the restoration of the patriarchate. On April 17 an imperial rescript ordered extension of the zemstvo system to all of Siberia east of Irkutsk. On April 30 the czar issued a decree conceding liberty of worship to the Old Believers, abolishing the disabilities of Roman Catholics and other Christian sects and of the Mohammedans, and remitting the peasants' arrearages of taxes on lands given at the time of their emancipation.—The position of M. Witte, president of the committee of ministers, gradually became more and more untenable, and he asked for permission to travel abroad.—The situation in **Finland** has been profoundly affected by conditions in other parts of the empire. When the Finnish Diet opened in December there were promises of the introduction of bills limiting objectionable laws. Demonstrations in sympathy with the riots at St. Petersburg and Moscow broke out at the beginning of the year. On February 6 the procurator-general was assassinated. At the end of March the Finnish Diet's petition was presented to the czar, who suspended the operation of the military law of 1901 under the proviso that Finland should contribute ten million marks annually. The irremovability of judges was also established, but the attitude of the czar towards the principal points of the petition was not announced. The ukase closing the Finnish Diet was issued on April 4.

MINOR EUROPEAN STATES.—In Norway and Sweden the long-standing question of a distinct Norwegian consular service was again agitated. There was considerable discussion regarding the constitutionality of a separate consular system and it was thought that a revision of the terms of union might become necessary. Negotiations had been going on for some time when on February 8 the premier of Norway announced the failure of all attempts at agreement. King Oscar, on account of old age and ill health, immediately delegated the control of the government to

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Crown Prince Gustavus. On February 24 the Storthing of Norway decided to refer the documents relating to the question to a special commission. On March 1 the Norwegian ministry resigned on account of a message from the regent stoutly upholding the present scheme of union. A week later a new cabinet headed by P. C. Michelsen was organized for the purpose of establishing the constitutional right of Norway to a separate consular service and "to preserve her sovereignty as a free and independent kingdom." The cabinet at once drew up a plan for a separate service. On April 6 the regent met the above-mentioned commission, which submitted a scheme for a common foreign minister and for a special consular service for each under the direction of the foreign minister. The request of the regent for a renewal of the negotiations was rejected by the Norwegian government on April 25. On April 29 the Swedish parliament approved the regent's plan.—A ministerial crisis developed in **Denmark** over the question of national defence. The premier, Dr. Duentzer gave up the attempt to reconstruct his ministry on January 11 and King Christian called on Mr. Christensen to form a new ministry. On January 17 at the opening of the Parliament the new premier made a statement of his policy to the Folkething. The important points of his program were universal suffrage in communal elections, settlement of national defence on the basis of the neutrality of the country, and a constitutional change rearranging the districts in elections to the Folkething.—In the **Netherlands**, in December, the colonial policy of the government in the East was attacked in the Second Chamber. The minister for the colonies replied by declaring that the recent expeditions had been necessitated by the stubborn resistance of the natives of Achin. He scouted the idea of selling the colonies to a foreign power and maintained that the navy of the Netherlands was large enough to defend Dutch interests in the East. However, a few days later the defence committee decided to strengthen the navy so that a minimum of six cruisers and an increased number of torpedo boats should be constantly ready for action. The government has decided to concede a larger autonomy to some of the Malay provinces by establishing municipal and district councils with limited administrative and financial powers. The triumph of the Conservatives at the last elections (see last RECORD, p. 746) has led to a realignment of parties, the Liberals forming an alliance with the Progressives, while some of the more moderate Liberals have gone over to the Conservative party.—In **Belgium** the Parliament which reassembled in January had under consideration Belgium's responsibility with respect to the Congo Free State exchequer and the pensions paid to agents in the Congo State. The industrial situation was disturbed in February and March by extensive strikes in the coal mining districts of Mons and Charleroi. February 24 a measure was passed providing for the settlement of labor disputes by boards of conciliation and other peaceful means; but the government declined to interfere in the coal strike, which was broken in the middle of March with results unfavorable to the laborers.—In December the Federal Assembly of **Switzerland** chose M. Ruchet as president of the confederation.—**Spain** was disturbed by parliamentary conflicts and

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ministerial changes. In November and December feeling ran high in the Cortes and the president of the Chamber had to be protected by attendants against physical violence. A crisis was reached on December 14 upon the questions of army appointments and military reforms; the Maura cabinet resigned, and a more moderate Conservative, General Azcarraga, was charged with the formation of a new ministry. In this body dissensions arose concerning the convocation of the Cortes, and on January 26 this cabinet also resigned. On January 27 Señor Villaverde organized a ministry. Elections held March 12 resulted in a Conservative victory. Premier Villaverde announced a program of financial and administrative reform, tariff revision and the conclusion of commercial treaties.—In **Portugal** the Chamber of Deputies was dissolved on December 25 and general elections were held on February 12. These resulted in a large ministerial majority and a monarchist victory. The Cortes was opened by King Carlos on April 3. The royal speech referred to the cordial relations existing with other powers and supported certain proposals for financial reform.—Financial difficulties in **Greece** led the government to suggest radical reforms, including a reduction of civil expenditure in order to secure a balance to be used in military organization. The government, which for some time had not possessed a working majority, was finally defeated on a vote of confidence and resigned. On December 28 a new cabinet was organized with M. Delyanni as premier. Parliament was dissolved on January 6 and new elections held on March 5 resulted in a victory for M. Delyanni. The new Parliament was opened by the king on March 27. The speech from the throne laid stress upon the necessity for the reduction of public expenditures. (For Cretan affairs see EUROPEAN INTERNATIONAL RELATIONS, above.)—In consequence of the rivalry between the moderate and extreme Radicals in **Servia** the ministry, after an insecure existence of some months, resigned on December 1. After some tentative arrangement a homogeneous cabinet of moderate Radicals was formed on December 10 under M. Pashitch. A new press law was immediately passed which practically abolished the freedom of the press. In February M. Pashitch, owing to bitter opposition, resigned; but at the request of the king he retained office. At the close of the Parliament King Peter I declared that Servia had now entered upon a political order rigorously constitutional and parliamentary.—In **Rumania** the Liberal cabinet headed by M. Sturdza resigned and a new ministry under the Conservative leader M. George Cantacuzene was organized at the opening of January. The Rumanian parliament was dissolved on January 5 and the general elections held on February 1–14 resulted in a victory for the Conservatives. The new parliament was convoked on February 23.—In December **Bulgaria** gave notice to the powers that she would not be responsible for reprisals made on account of the excesses committed by Turkish troops. About the same time an extraordinary credit of £1,680,000 was voted for artillery and coast defences. On March 7 the Sobranje adopted on the third reading the law establishing the monopoly of salt, matches and cigarette paper. Rumors from political circles at Sofia declared that the an-

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nexation of Crete to Greece would be followed by the declaration of Bulgarian independence.—The institution of the new gendarmerie in the **Balkan region** (see last RECORD, p. 747) has apparently made little alteration in the state of chronic disturbance. The Porte has withstood the demands of the powers for an increase of the number of European officers in the Macedonian gendarmerie, and Turkish petty officials have pursued their old course of oppression. Antagonism among the Christian sects has not abated. (See also EUROPEAN INTERNATIONAL RELATIONS, above.)

VI. ASIA AND AFRICA.

ASIA.—The insurrection in the Turkish province of Yamen which broke out in February increased in intensity until by the end of April the situation had become critical. The revolt threatened to spread to the neighboring province of Hejaz. In London the struggle is regarded as very serious for the sultan, as the loss of Mecca would deprive him of the prestige and resultant power associated with the protection of the holy land of Mohammedanism.—General Kitchener's plan for redistributing the army of **British India** was carried into effect in November. This movement met with adverse criticism from the Russian press. The Indian financial statement issued on March 22 shows an actual surplus for 1903–04 of £2,996,400 and an estimated surplus for 1904–05 of £3,485,500. A sum of £211,700 is provided for famine relief in Madras and Bombay.—The Twentieth National Indian Congress opened at Bombay, December 26. It was attended by over a thousand delegates. More autonomy for India and more extensive participation of Indians in political affairs were urged.—When the provincial authorities of the **Chinese Empire** were informed in January of their respective proportions of the Boxer foreign indemnity, they replied that owing to their poverty they could not raise such enormous sums. The Chinese government accordingly contracted a loan of six million taels to pay the indemnity. In February a new council composed of high officials from various government departments was formed for the purpose of discussing imperial and foreign affairs. The council will meet, however, only at the request of the crown.—**The Japanese Parliament** was opened by the emperor on November 30. Attention was largely devoted to war and fiscal measures. A government monopoly of salt was established. At the dissolution of the Chambers on February 28, the emperor warmly congratulated them on the harmony which had prevailed during the session. On April 5 Japan raised her representation in the United States, England, France, Germany and Austria to the rank of embassies.—Japanese activity in **Korea** (see last RECORD, p. 721) has steadily increased during the past six months. It is estimated that 60,000 Japanese civilians have come into the peninsula. Foreign advisers to the Korean government are gradually being replaced by Japanese; the post and telegraph system is under Japanese management; order is maintained by a Japanese gendarmerie; and experiments are being made in administrative reorganization of the kingdom. Japan has secured navigation and fishing rights, and Japanese

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money is driving the Korean out of circulation. (See RUSSO-JAPANESE WAR, above.)

AFRICA.—The draft of the new **Transvaal** constitution, issued on April 25, provides for a legislative assembly composed of the lieutenant-governor, six to nine official members and thirty to thirty-five elected members. The right to vote for members of the first Assembly is limited to burghers of the late South African republic and white males of British birth occupying premises at an annual rental of at least £10 or having an income of £100 a year. The English language is to be used in the debates in the Assembly, but a member may use Dutch with the consent of the president. Financial measures are to be initiated by the governor, and no appropriations may be made without his approval. The letters patent instituting the new system stated that the time had not yet come for full local self-government. The new constitution will be strongly opposed by the Boers, who have been complaining against the work of the British government in settling the war compensation, and have been demanding equal rights for the Dutch and English languages and the reorganization of the constabulary on the lines of the old Free State service.—In February the report of the commission on native affairs was issued. The shortage of **native labor in South Africa** was put at over three hundred thousand. The remedies proposed were the checking of the practice of squatting, the imposition of a tax on locations based on the number of able-bodied natives domiciled therein, the imposition of a rent on natives living on crown lands, and measures for the education of the natives. In March Lord Selborne was appointed to succeed Lord Milner as high commissioner in South Africa (see last RECORD, p. 748).—The **Cape Colony** Parliament was opened on March 10. The speech from the throne announced that all prisoners connected with the late rebellion would be released and that prosecutions had come to an end. The measures to be considered were the reorganization of the agricultural department, state aid to farmers, construction of permanent productive works, establishment of school boards, workmen's compensation and construction of certain railway lines.—Disorder in **German Southwest Africa** has continued with considerable loss and expense to Germany. There has been a growing unrest among the natives of the German Cameroons and in March whole districts were up in arms. The government report on the causes of the Herero rising (see last RECORD, p. 748), issued in December, attributes the troubles to the arrogance of the natives and their confidence in their superiority over the Germans.—In November the **Congo Commission** (see last RECORD, p. 748) arrived in the Congo State and prosecuted its investigations until the end of February.

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